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**VIA OVERNIGHT DELIVERY**

Hon. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

October 22, 2009

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

Dear Secretary Quinlan:

Enclosed for filing please find the original and 10 copies of the  
Environmental/Historic Report being filed in connection with the above-referenced  
abandonment.

Please time stamp the extra copy of the letter to indicate receipt and return it to  
me in the self-addressed stamped envelope provided for your convenience.

Please let know if there are any questions about the filing. Thank you for your  
assistance.

Respectfully,

*Eric M. Hocky*  
Eric M. Hocky

EMH/cdl  
Enclosures

cc: William Jasper  
James Irwin  
Keith Holley

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP  
One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103-7041  
215 640 8500  
215 640 8501 Fax

225922



**Before the**  
  
**SURFACE TRANSPORTATION BOARD**  
  
**East Tennessee Railway, L.P.**  
**- Exempt Abandonment -**  
**Washington and Carter Counties, Tennessee**  
  
STB Docket No. AB-1031 (Sub-No. X)

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**ENVIRONMENTAL/HISTORIC REPORT**

Eric M. Hocky  
THORP REED & ARMSTRONG, LLP  
One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103-7041  
(215) 640-8500

Attorneys for East Tennessee Railway, L.P.

Dated: October 22, 2009

**Before the**  
  
**SURFACE TRANSPORTATION BOARD**  
  
**East Tennessee Railway, L.P.**  
**- Exempt Abandonment -**  
**Washington and Carter Counties, Tennessee**  
  
STB Docket No. AB-1031 (Sub-No. X)

**ENVIRONMENTAL/HISTORIC REPORT**

East Tennessee Railway, L.P. ("Applicant") will be seeking authority to abandon a segment of its line of railroad, which runs in an easterly direction from Milepost 1.2 in the City of Johnson City in Washington County, Tennessee through Milepost 11.2 in the City of Elizabethton, Carter County, Tennessee ("Subject Line"). This Subject Line traverses through United States Postal Zip Codes 37605 and 37643.

Applicant plans to seek Board authorization on or about November 12, 2009 for its abandonment by filing a notice of exempt abandonment pursuant to the provisions of 49 C.F.R. §1152.50.

This report is being filed in connection therewith in accordance with the requirements of 49 CFR §1105.7. To prepare this report, Applicant consulted with various state and federal agencies. See the letters attached as Exhibit A. Based on the written responses received by Applicant attached as Exhibits B(1) and B(2), and the responses (both oral and written) noted in the Response Log attached as Exhibit C, Applicant states as follows:

## **ENVIRONMENTAL REPORT**

**(49 CFR §1105.7)**

### **1. PROPOSED ACTION AND ALTERNATIVES**

Applicant proposes to abandon the Subject Line. The last service provided on this line was more than seven years ago. Applicant intends to salvage the track and track materials. It has not determined whether to re-use them on its remaining lines or on the lines of its affiliates, or to sell them to a third party.

### **2. EFFECTS ON TRANSPORTATION SYSTEM**

There has been no local service on the Subject Line since 2002, and therefore the abandonment of the line would have no effect on the transportation system. Applicant served notice of the proposed abandonment upon the Tennessee State Planning Office and the State of Tennessee Office of Freight & Rail. See letters attached as part of Exhibit A. No response has been received.<sup>1</sup>

### **3. LAND USE**

i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant served notice of the proposed abandonment upon the following land use agencies: Tennessee Department of Environment and Conservation (“TDEC”), TDEC (Johnson City Field Office), TDEC – Ground Water Protection, George Jaynes, County Mayor of Washington County, Johnny Holder, County Mayor of Carter County, U.S. Environmental Protection Agency (“EPA”) (Region 4), National

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<sup>1</sup> Applicant has been advised by the Tennessee State Library and Archives that the State Planning Office no longer exists. See Response Log, Exhibit C.

Park Service (Southeast Region), Tennessee Natural Resources Conservation Service (“NRCS”) (State Conservationist), NRCS (Elizabethton Service Center), NRCS (Jonesborough Service Center) and United States Department of Commerce, NOAA, N/NGS2 (Spatial Reference System Division). Copies of these letters are attached as part of Exhibit A. Copies of written responses received to date are attached as Exhibit B(1). Both written and oral responses are summarized on the Response Log attached as Exhibit C. Responses were not received from all agencies that received notices. The following is a summary of the relevant responses (written and oral) received:

- TDEC, Division of Remediation responded in a letter that it had been in contact with Johnson City and an environmental consultant and concluded that the abandonment will not affect the two DoR sites referred to in the letter.
- TDEC, Ground Water Protection responded by mail that it is doubtful that the abandonment will impact any existing subsurface sewage disposal systems.

ii) Applicant does not believe that the proposed abandonment will have any adverse effect on any prime agricultural land. Notice of the abandonment has been provided to the Tennessee NRCS (State Conservationist), NRCS (Elizabethton Service Center) and NRCS (Jonesborough Service Center), copies of which are attached as part of Exhibit A. No responses were received.

iii) The site of the proposed abandonment is not located in a coastal zone, and the State of Tennessee has no coastal agency. Therefore no notice was sent regarding effects to coastal areas.

iv) Applicant believes that the right of way may be suitable for use as a trail or other public purposes.

- City of Johnson City, Tennessee sent a letter dated January 13, 2009, attached as Exhibit B(2), advised that it had expressed

interest in acquiring the corridor for public use and/or a trail facility. The City requested that it be added as a party and copied on all notices, which will be done.

#### **4. ENERGY**

No rail service has been provided on the line for over seven years. Accordingly:

- i) The proposed abandonment will have no effect on the transportation of energy resources.
- ii) The proposed abandonment will have no effect on recyclable commodities.
- iii) There will be no effect on overall energy efficiency.
- iv) The proposed abandonment will not divert any traffic from rail to motor carriage. Thus, the effects of the proposed abandonment will not exceed the thresholds set forth in 49 C.F.R. §1105.7(e)(4)(iv).

#### **5. AIR**

The proposed abandonment will not result in any increases in rail traffic or rail yard activity. As noted in Section 4(iv) above, there is no projected increase in truck traffic. Thus, the effects of the proposed abandonment will not exceed the thresholds set forth in 49 C.F.R. §1105.7(e)(4)(v).

#### **6. NOISE**

There has been no rail service for over seven years, and Applicant does not believe that the proposed abandonment will not result in any increase in noise levels.

#### **7. SAFETY**

Applicant does not believe that the proposed abandonment will have any adverse effect on public health or safety.

## **8. BIOLOGICAL RESOURCES**

i) Applicant has given notice of the proposed abandonment to U.S. Fish and Wildlife Service (Resident Agency in Charge Office), as well as to the following agencies that are concerned with biological resources: TDEC (State office), TDEC (Johnson City Field Office), TDEC (Ground Water Protection), National Park Service (Southeast Region), U.S. EPA (Region 4), NRCS (State Conservationist), NRCS (Elizabethton Service Center) and NRCS (Jonesborough Service Center). Copies of these letters are attached as part of Exhibit A. Copies of written responses received to date are attached as part of Exhibit B(1). Both written and oral responses are summarized on the Response Log attached as Exhibit C. Responses were not received from all agencies that received notices. See Section 3(i) for summaries of responses received from TDEC. Additionally:

- U.S. Fish and Wildlife Service responded by mail that it anticipated that there would be no significant adverse impacts to wetlands or federally listed endangered or threatened species, as a result of the abandonment.

ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. Notices of the proposed abandonment was sent to the following agencies: U.S. Fish and Wildlife Service (Resident Agency in Charge Office), TDEC (State office), TDEC (Johnson City Field Office), TDEC (Ground Water Protection), National Park Service (Southeast Region), U.S. EPA (Region 4), NRCS (State Conservationist), NRCS (Elizabethton Service Center) and NRCS (Jonesborough Service Center). Copies of these letters are attached as part of Exhibit A. Copies of the written responses received are attached as part of Exhibit B(1). Responses received orally are summarized on the Response Log attached as Exhibit C. Responses were not received from

all agencies that received notices. See Section 8(i) above for a summary of the response from the U.S. Fish and Wildlife Service.

## **9. WATER**

i) The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. See Sections 3(i), 8(i) and 8(ii) above for a list of other agencies notified by Applicant and the relevant responses received.

ii) Applicant sent notice of the proposed abandonment to the U.S. Army Corps of Engineers ( Nashville District). A copy of this letter is attached as part of Exhibit A. On January 23, 2009, it responded by mail that the proposed work does not require a Department of Army permit. A copy of this written response is attached as part of Exhibit B(1).

iii) Notices of the proposed abandonment were sent to the following agencies: TDEC (State Office), TDEC (Johnson City Field Office), TDEC – Ground Water Protection and U.S. EPA (Region 4). Copies of these letters are attached as part of Exhibit A. Copies of the written responses received are attached as part of Exhibit B(1). Responses received orally are summarized on the Response Log attached as Exhibit C. Responses were not received from all agencies that received notices. See Sections 3(i), 8(i), 8(ii) and 9(i) above for summaries of the relevant responses received. Applicant does not believe that any Clean Water Act permits will be required. The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards.

## **10. PROPOSED MITIGATION**

Since no adverse environmental impacts are expected, no mitigation is proposed.



## **11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS**

Not applicable.

## **12. CONSULTATION**

As shown by the copies of letters attached as Exhibit A, Applicant has consulted with the following agencies: Tennessee State Planning Office, State of Tennessee – Office of Freight & Rail, TDEC (State Office), TDEC (Johnson City Field Office), TDEC (Ground Water Protection), George Jaynes, County Mayor Washington County, Johnny Holder, County Mayor Carter County, U.S. EPA (Region 4), U.S. Fish & Wildlife Service (Resident Agency in Charge Office), U.S. Army Corps of Engineers (Nashville District), National Park Service (Southeast Region), Tennessee NRCS (State Conservationist), NRCS (Elizabethton Service Center), NRCS (Jonesborough Service Center), United States Department of Commerce – NOAA, N/NGS2 (Spatial Reference System Division). Written responses were received from: TDEC (State Office), TDEC (Ground Water Protection), the U.S. Army Corps of Engineers and U.S. Fish & Wildlife Service (Resident Agency in Charge Office). Copies of the written responses are attached as Exhibit B(1). An unsolicited written response was received by the City of Johnson City, Tennessee. A copy of this letter is attached as Exhibit B(2).

An oral response was received from TDEC (State Office). In addition, unsolicited oral responses were received from the Tennessee State Library and Archives and from Tennessee State Greenways and Trails. Oral responses are summarized in the Response Log attached as Exhibit C. The Response Log also summarizes the actions initiated by Applicant subsequent to receiving responses from the various agencies.

### **13. CERTIFICATIONS**

Applicant certifies that:

- (a) It consulted with the agencies listed in 49 C.F.R. §1105.7, as described in paragraph no. 12 above.
- (b) On this date, it sent copies of this report to each of the agencies consulted, and to the City of Johnson City.
- (c) Notice of the proposed abandonment is scheduled to be published in The Johnson City Press and The Elizabethton Star on October 27, 2009. A copy of the form of notice submitted to the papers is attached as Exhibit D. Proofs of publication from The Johnson City Press or The Elizabethton Star will be submitted upon receipt.
- (d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the agencies have been served with a copy of this report.

## **HISTORIC REPORT**

**(49 CFR §1105.8)**

### **1. U.S.G.S. TOPOGRAPHIC MAP**

A U.S.G.S. topographic map showing the location of the proposed abandonment is attached as Exhibit E. A milepost listing of the historic structures along the proposed abandonment is attached as Exhibit F.

### **2. DESCRIPTION OF RIGHT OF WAY**

The line to be abandoned extends from Milepost 1.2 in the City of Johnson City in Washington County, Tennessee through Milepost 11.2 in the City of Elizabethton, Carter County, Tennessee. The surrounding area is a mix of rural, residential and commercial.

### **3. PHOTOGRAPHS OF HISTORIC STRUCTURE(S)**

Please refer to Exhibit F for a milepost listing of the structures over 50 years old along the proposed abandonment. Photographs of these structure(s) are submitted as Exhibit G.

### **4. DATES OF CONSTRUCTION OF HISTORIC STRUCTURE(S)**

Applicant believes that the Subject Line was originally built in 1881. Exhibit F lists the structures along the abandonment that are more than 50 years old. Applicant is not aware of any major alterations to the subject line segments or structures.

### **5. HISTORY OF CARRIER OPERATIONS IN THE AREA**

Based on information in Applicant's possession, the railroad was originally built as a narrow gauge railroad to haul iron ore from Cranberry, North Carolina. In 1904, a third rail was added to make the railroad dual gauge. The narrow gauge portion was abandoned in the

1950's. The standard gauge portion flourished until the mid-1970's. Following a recession, business revived in the early 1980's through the early 1990's. Thereafter, with the closing of several customers, business declined. The last customer closed in 2002. No service has been provided since that time.

## **6. SUMMARY OF STRUCTURE DOCUMENTATION**

A milepost listing of the historic structures along the proposed abandonment is attached as Exhibit F.

## **7. OPINION REGARDING CRITERIA FOR LISTING**

The salvage work that Applicant proposes will be surface work only and will not disturb subsurface resources. Applicant has given notice of the proposed abandonment to the Tennessee Historical Commission. The Commission replied with a letter which outlined the steps to be taken and documents which need to be submitted prior to obtaining approval for abandonment. Applicant will submit additional documentation to the Commission as requested.

## 8. ENVIRONMENTAL CONDITIONS

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archeological recovery of resources or the surrounding terrain.

Respectfully submitted,



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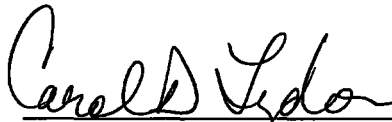
Eric M. Hocky  
THORP REED & ARMSTRONG, LLP  
One Commerce Center  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
(215) 640-8500

Attorneys for East Tennessee Railway, L.P.

Dated: October 22, 2009

# CERTIFICATE OF SERVICE

I hereby certify that on this 22<sup>nd</sup> day of October, 2009, I served a copy of the foregoing Environmental/Historic Report on the persons listed on the attached services list by first class mail, postage prepaid.

A handwritten signature in cursive script, reading "Carol D. Lydon", written over a horizontal line.

Carol D. Lydon, Paralegal  
THORP, REED & ARMSTRONG, LLP  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
(215) 640-8500

## **SERVICE LIST**

State of Tennessee  
Office of Freight & Rail  
Suite 1800 James K. Polk Bldg.  
Nashville, TN 37243

Tennessee Dept. of Environmental Conservation  
L & C Annex, 1<sup>st</sup> Floor  
401 Church Street  
Nashville, TN 37243

Tennessee Dept. of Environmental Conservation  
Johnson City Field Office  
2305 Silverdale Road  
Johnson City, TN 37601-2162

Tennessee Dept. of Environmental Conservation  
Ground Water Protection  
Alan Schwendimann, Director  
10<sup>th</sup> Floor, L & C Tower  
401 Church Street  
Nashville, TN 37243

George Jaynes, County Mayor  
Washington County  
Courthouse in Jonesborough  
P.O. Box 219  
Jonesborough, TN 37659

Johnny Holder, County Mayor  
Carter County  
801 East Elk Avenue, Suite 201  
Elizabethton, TN 37643

U.S. Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

U.S. Fish & Wildlife Service  
Resident Agency in Charge Office  
222 Great Circle Road  
Suite 150  
Nashville, TN 37228-1738

U.S. Army Corps of Engineers  
Civil Works Office  
U.S. Army Engineer District – Nashville  
P.O. Box 1070  
110 Ninth Ave. S  
Nashville, TN 37202-1070

National Park Service, Southeast Region  
David Vela, Regional Director  
National Park Service  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

Tennessee Natural Resources Conservation Service  
Kevin Brown, State Conservationist  
675 U.S. Courthouse  
801 Broadway  
Nashville, TN 37203

Natural Resources Conservation Service  
Dave Merinar, District Conservationist  
Elizabethton Service Center  
419 Elk Ave.  
Elizabethton, TN 37643-2596

Natural Resources Conservation Service  
Gary Ovillen, District Conservationist  
Jonesborough Service Center  
1105 E. Jackson Street  
Jonesborough, TN 37659-4775



Mr. Richard A. Snay  
Chief, Spatial Reference System Division  
United States Department of Commerce  
NOAA, N/NGS2  
SSMC3, Room 8828  
1315 East-West Highway  
Silver Spring, MD 20910

Robert L Wilson, Jr., Asst. City Manager  
City of Johnson City  
601 East Main Street  
P.O. Box 2150  
Johnson City, TN 37605

E. Patrick McIntyre, Jr., Executive Director  
Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, TN 37243-0442

# EXHIBIT A



Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email. clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Tennessee Dept. of Environmental Conservation  
Johnson City Field Office  
2305 Silverdale Road  
Johnson City, TN 37601-2162

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

Dear Sir/Madam:

This letter is to advise you that East Tennessee Railway, L.P. ("ETRY") proposes to abandon a segment of its line of railroad which runs in an easterly direction from Milepost 1.2 in the City of Johnson City in Washington County, Tennessee to Milepost 11.2 in the City of Elizabethton, Carter County, Tennessee. This line traverses through United States Postal Zip Codes 37605 and 37643. A map showing the location of the line is attached.

ETRY plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a notice of exempt abandonment pursuant to the provisions of either 49 C.F.R. §1152.50 on or about January 20, 2008 in Docket No. AB-1031(X).

Based upon information in ETRY's possession, the line does not contain federally granted rights of way. ETRY believes that the right of way can be used for trail and other public purposes. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The last service provided on this line was more than two years ago. ETRY does not believe that there are any reasonable alternatives to the proposed action. At this time, ETRY plans to salvage the track and track materials and re-use them on its remaining lines or on the lines of its affiliates. ETRY believes that the abandonment will not have a significant effect upon the environment.

*Pittsburgh*

*Philadelphia*

*Princeton*

*Wheeling*

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns, which they may have as to environmental effects of the proposed abandonment.

We would appreciate an expression from you by December 23, 2008 with respect to this segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment. If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900.

Thorpe Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535  
215 829 9900  
215 829 9888 Fax



Tennessee Dept. of Environmental Conservation  
Page 2

November 25, 2008

Thank you for your cooperation.

Very truly yours,

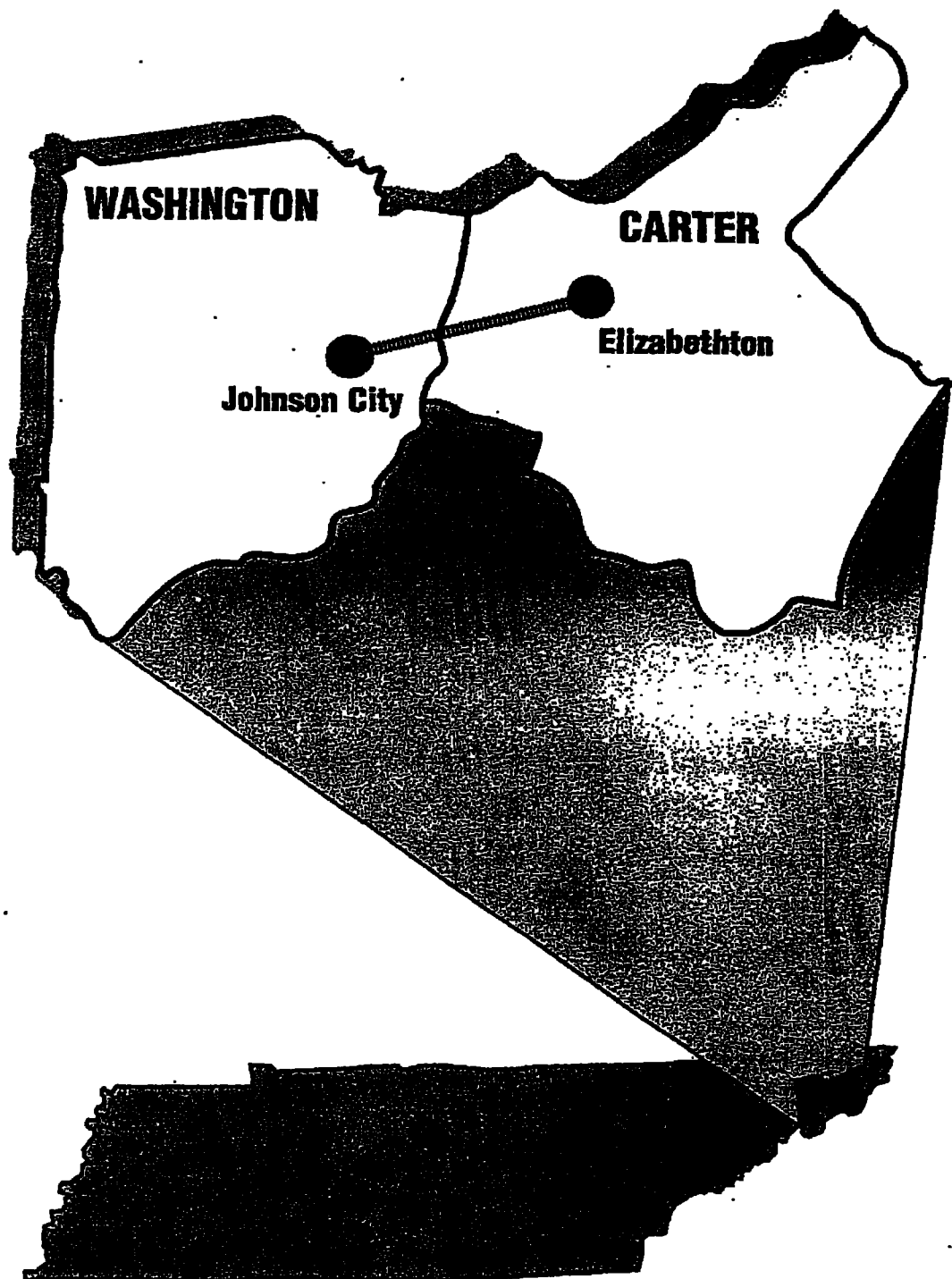
A handwritten signature in black ink, appearing to read "Carol D. Lydon", with a long, sweeping horizontal line extending from the end of the name.

Carol D. Lydon

Enclosure (Map)

CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

State of Tennessee  
Office of Freight & Rail  
Suite 1800 James K. Polk Bldg.  
Nashville, TN 37243

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
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Based upon information in ETRY's possession, the line does not contain federally granted rights of way. ETRY believes that the right of way can be used for trail and other public purposes. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The last service provided on this line was more than two years ago. ETRY does not believe that there are any reasonable alternatives to the proposed action. At this time, ETRY plans to salvage the track and track materials and re-use them on its remaining lines or on the lines of its affiliates. ETRY believes that the abandonment will not have a significant effect upon the environment.

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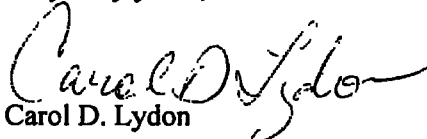


State of Tennessee  
Office of Freight & Rail  
Page 2

November 25, 2008

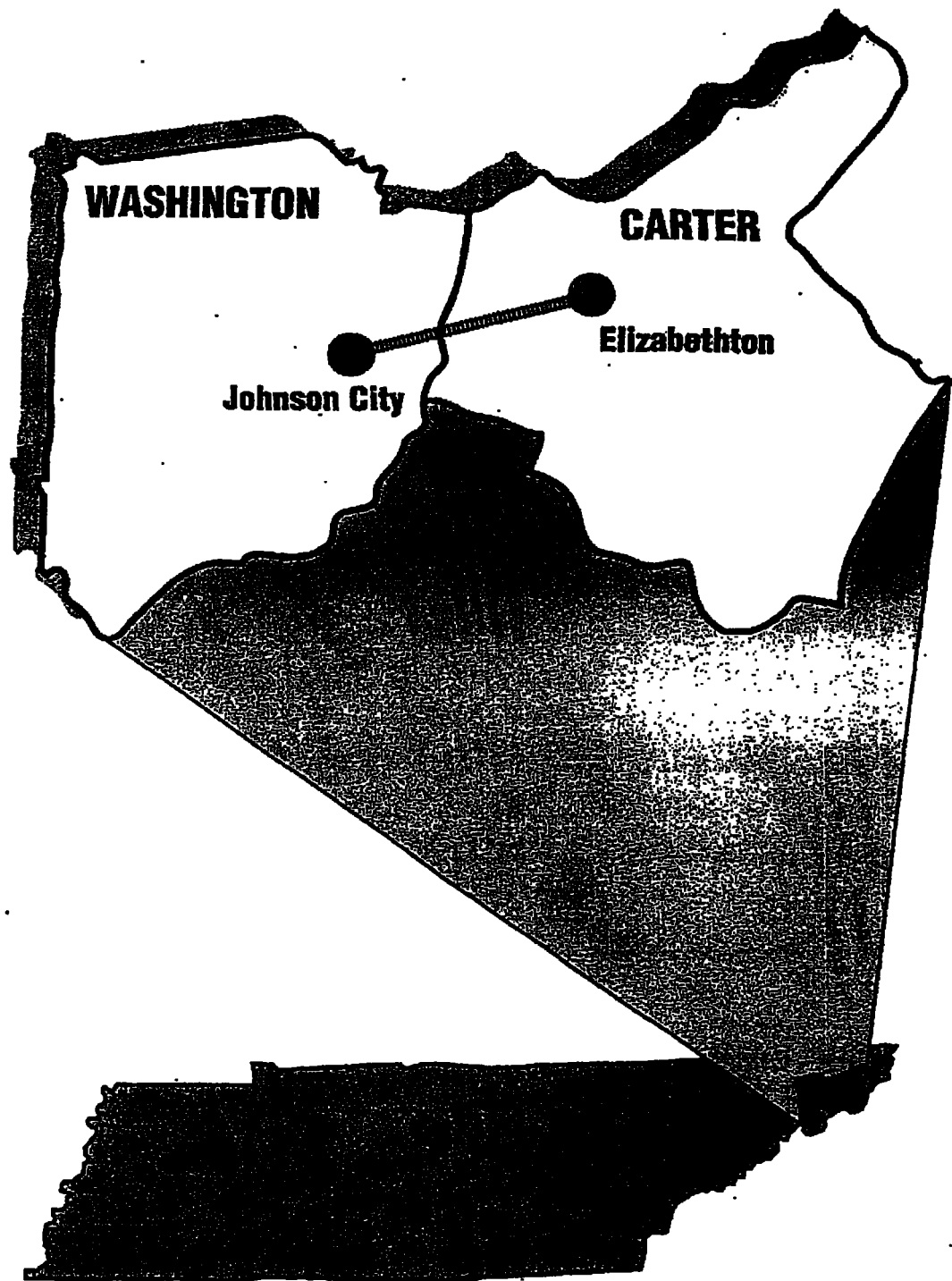
Thank you for your cooperation.

Very truly yours,

  
Carol D. Lydon

Enclosure (Map)  
CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.







Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

George Jaynes, County Mayor  
Washington County  
Courthouse in Jonesborough  
P.O. Box 219  
Jonesborough, TN 37659

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
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Based upon information in ETRY's possession, the line does not contain federally granted rights of way. ETRY believes that the right of way can be used for trail and other public purposes. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The last service provided on this line was more than two years ago. ETRY does not believe that there are any reasonable alternatives to the proposed action. At this time, ETRY plans to salvage the track and track materials and re-use them on its remaining lines or on the lines of its affiliates. ETRY believes that the abandonment will not have a significant effect upon the environment.

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George Jaynes, County Mayor  
Page 2

November 25, 2008

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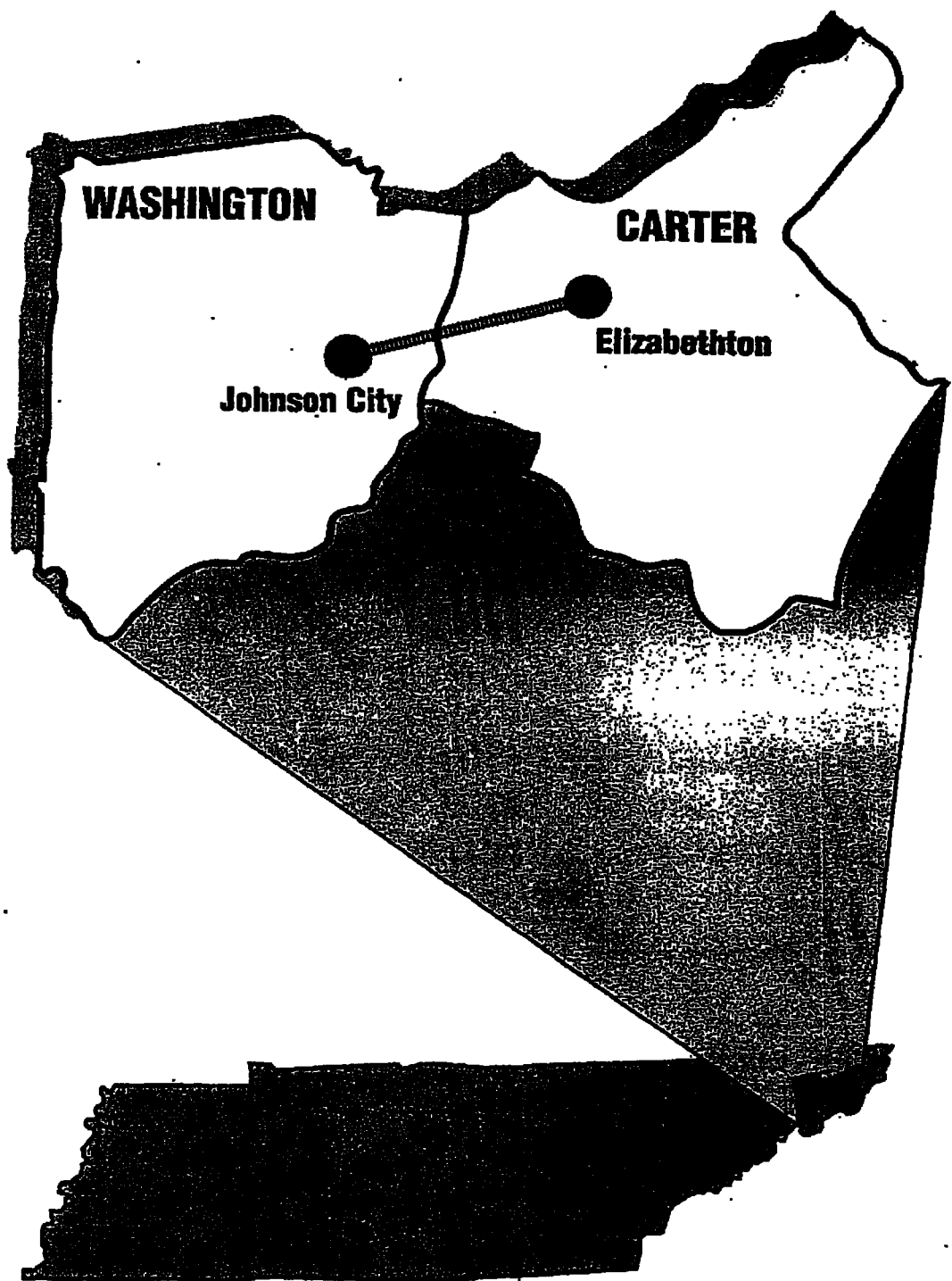
Carol D. Lydon

Enclosure (Map)

CC: ETRY

Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Tennessee Dept. of Environmental Conservation  
Ground Water Protection  
Alan Schwendimann, Director  
10<sup>th</sup> Floor, L & C Tower  
401 Church Street  
Nashville, TN 37243

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Pittsburgh

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535  
215 829 9900  
215 829 9888 Fax



Tennessee Dept. of Environmental Conservation  
Page 2

November 25, 2008

Thank you for your cooperation.

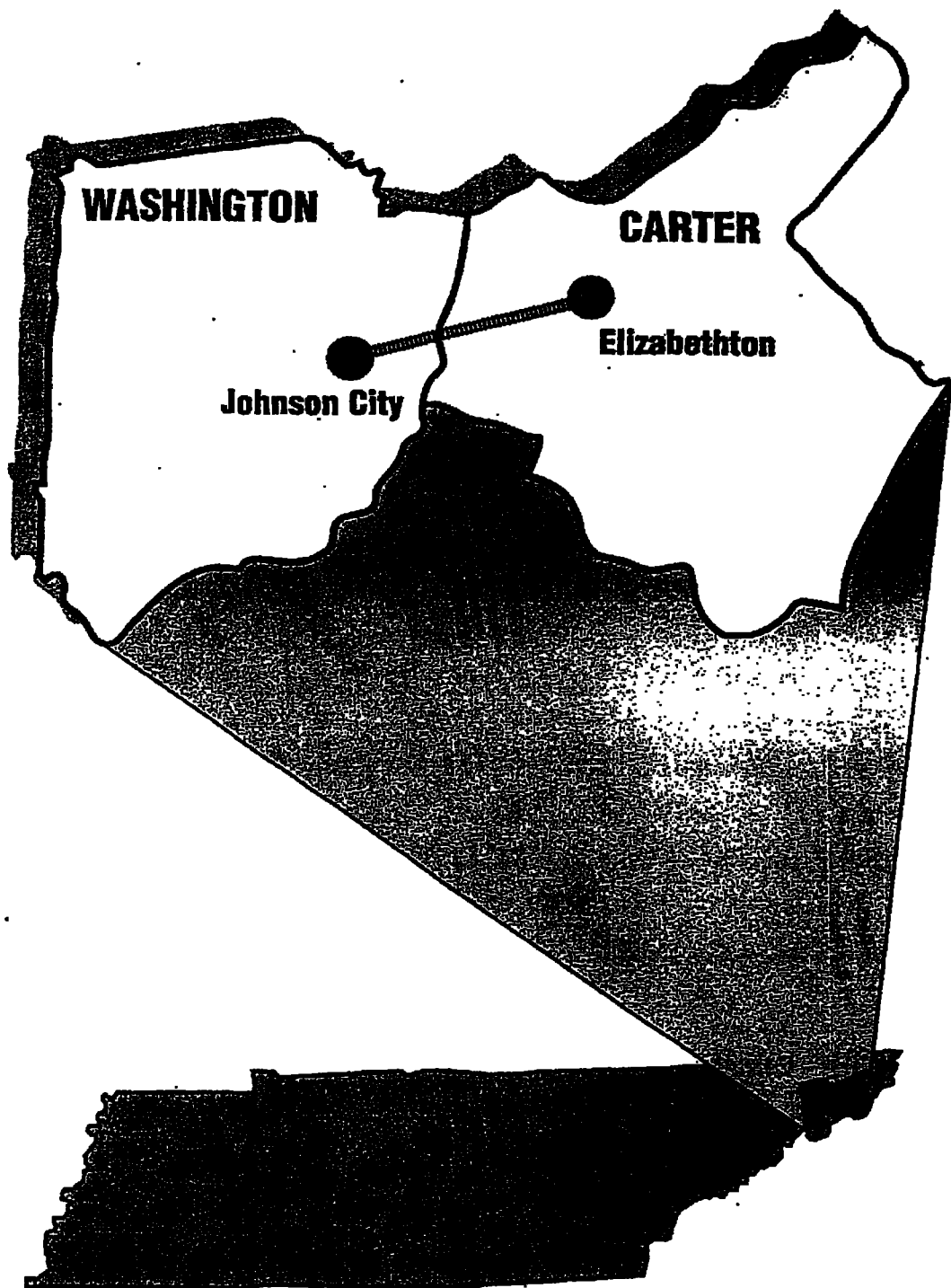
Very truly yours,

A handwritten signature in cursive script, appearing to read "Carol D. Lydon".

Carol D. Lydon

Enclosure (Map)  
CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

U.S. Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

Dear Sir/Madam:

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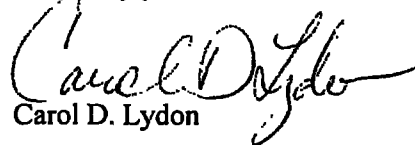


U.S. Environmental Protection Agency  
Page 2

November 25, 2008

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Very truly yours,

  
Carol D. Lydon

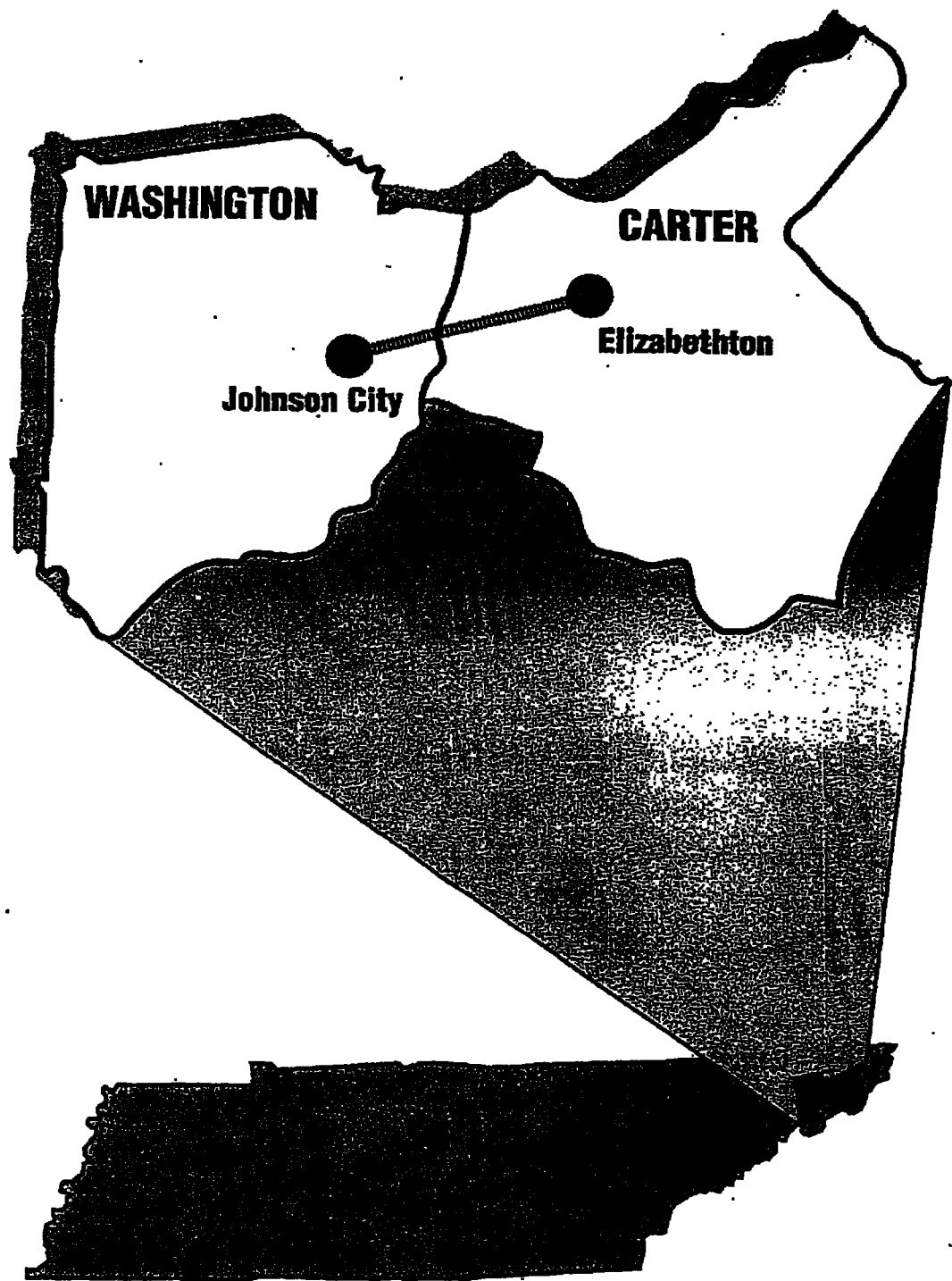
Enclosure (Map)

CC: ETRY

Eric M. Hocky, Esquire



# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Johnny Holder, County Mayor  
Carter County  
801 East Elk Avenue, Suite 201  
Elizabethton, TN 37643

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

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*Pittsburgh*

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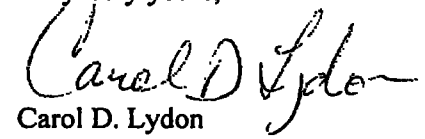


Johnny Holder, County Mayor  
Page 2

November 25, 2008

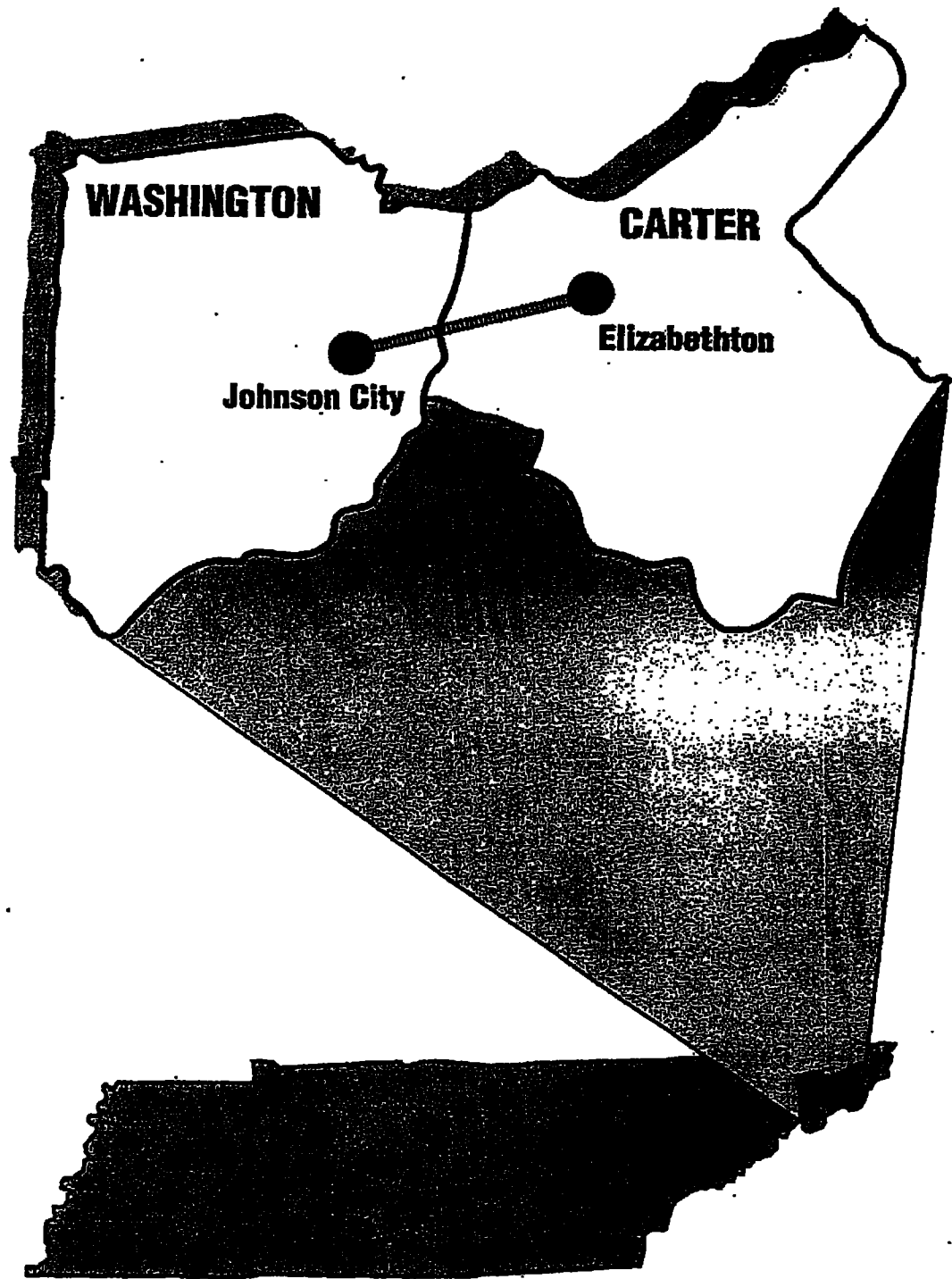
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Carol D. Lydon

Enclosure (Map)  
CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

U.S. Army Corps of Engineers  
Civil Works Office  
U.S. Army Engineer District – Nashville  
P.O. Box 1070  
110 Ninth Ave. S  
Nashville, TN 37202-1070

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

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U.S. Army Corps of Engineers  
Page 2

November 25, 2008

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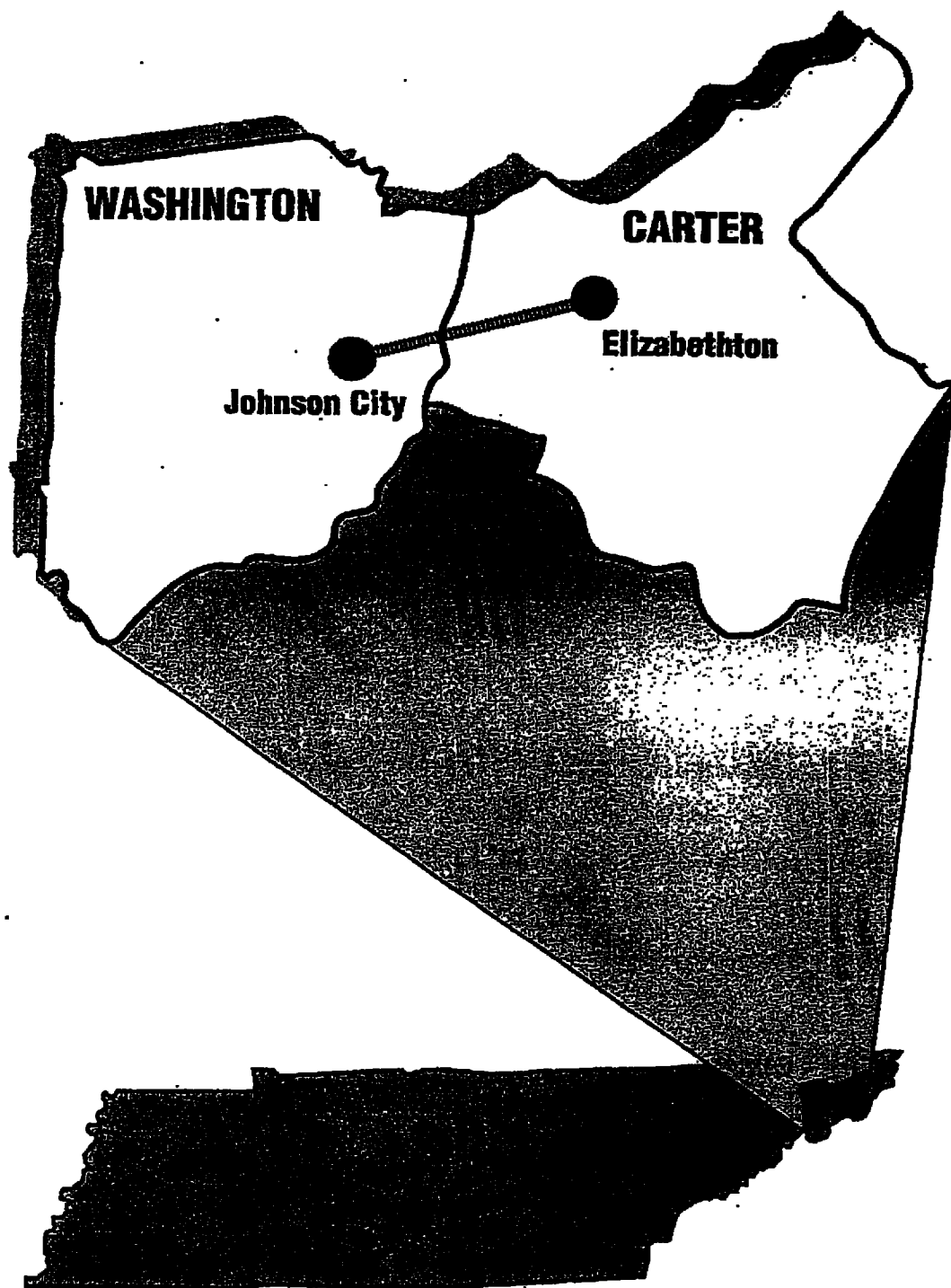
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Carol D. Lydon

Enclosure (Map)  
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Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

U.S. Fish & Wildlife Service  
Resident Agency in Charge Office  
222 Great Circle Road  
Suite 150  
Nashville, TN 37228-1738

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

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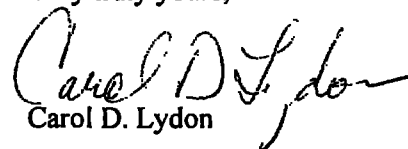


U.S. Fish & Wildlife Service  
Page 2

November 25, 2008

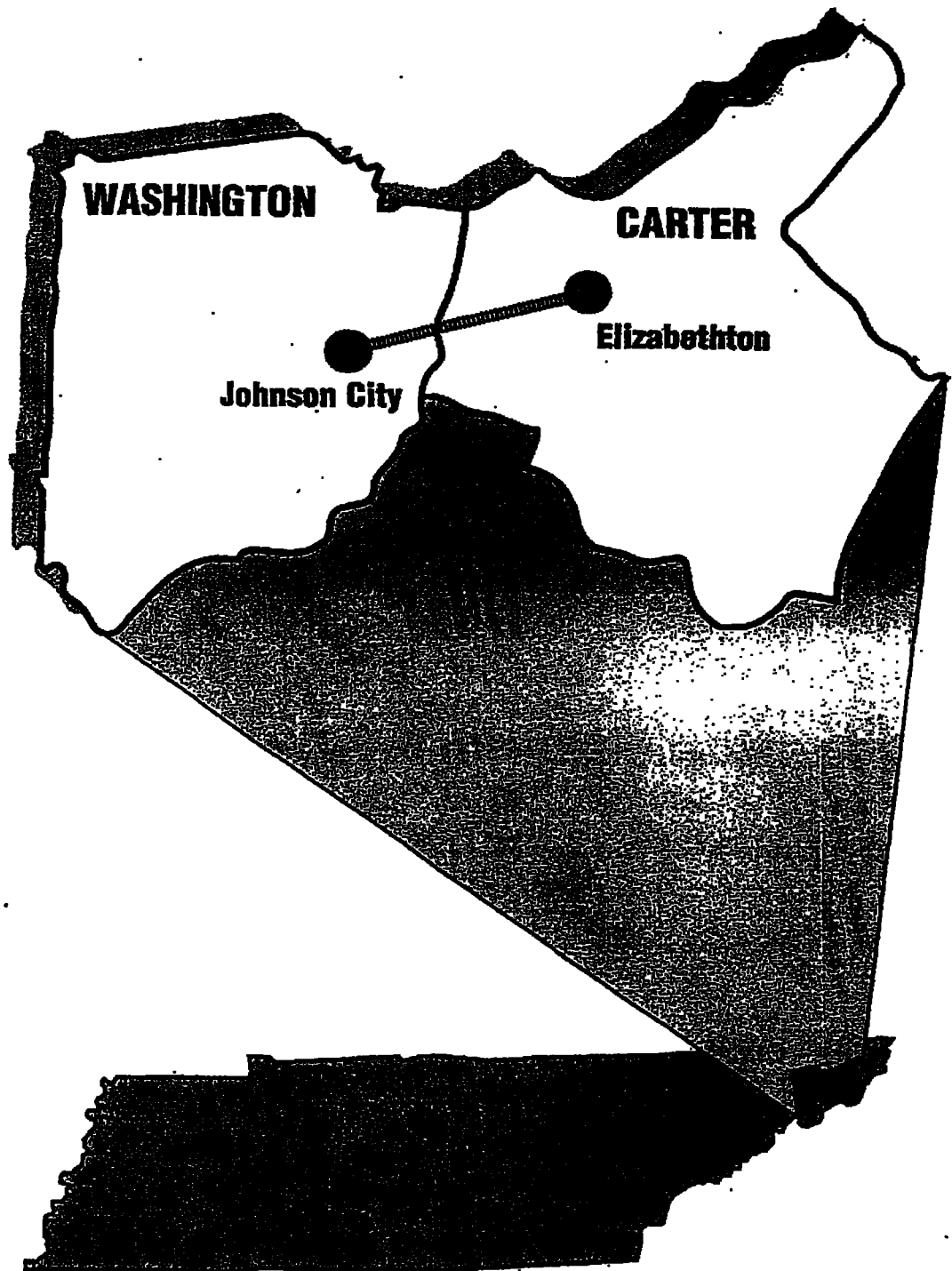
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Carol D. Lydon

Enclosure (Map)  
CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

National Park Service, Southeast Region  
David Vela, Regional Director  
National Park Service  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

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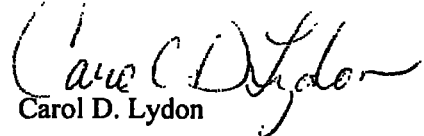


National Park Service, Southeast Region  
Page 2

November 25, 2008

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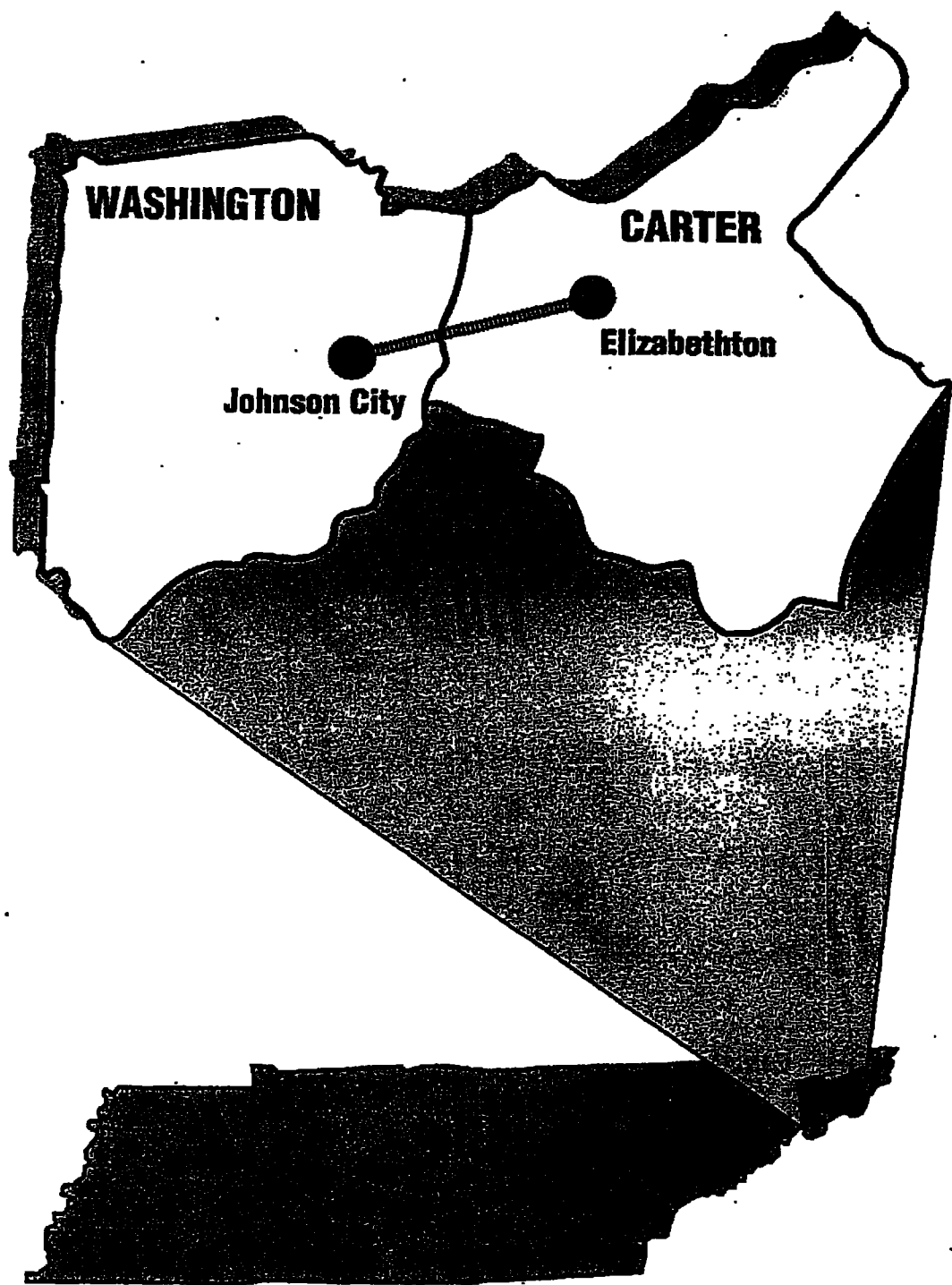
  
Carol D. Lydon

Enclosure (Map)

CC: ETRY

Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Natural Resources Conservation Service  
Dave Merinar, District Conservationist  
Elizabethton Service Center  
419 Elk Ave.  
Elizabethton, TN 37643-2596

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

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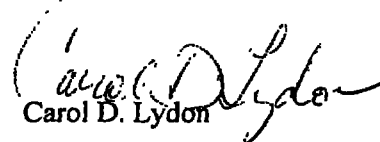


Natural Resources Conservation Service  
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November 25, 2008

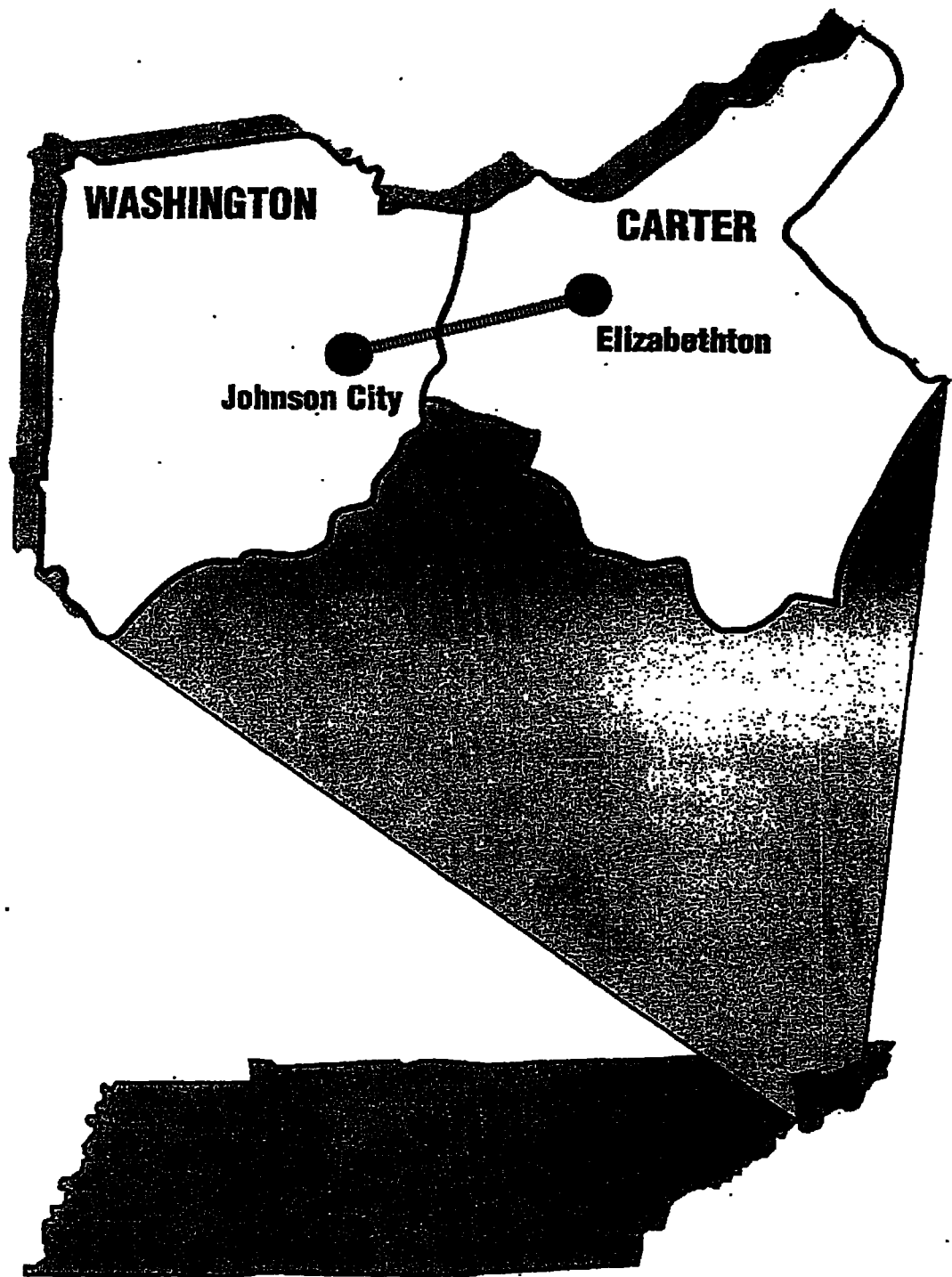
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Carol D. Lydon

Enclosure (Map)  
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Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.







Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Tennessee Natural Resources Conservation Service  
Kevin Brown, State Conservationist  
675 U.S. Courthouse  
801 Broadway  
Nashville, TN 37203

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Tennessee Natural Resources Conservation Service  
Page 2

November 25, 2008

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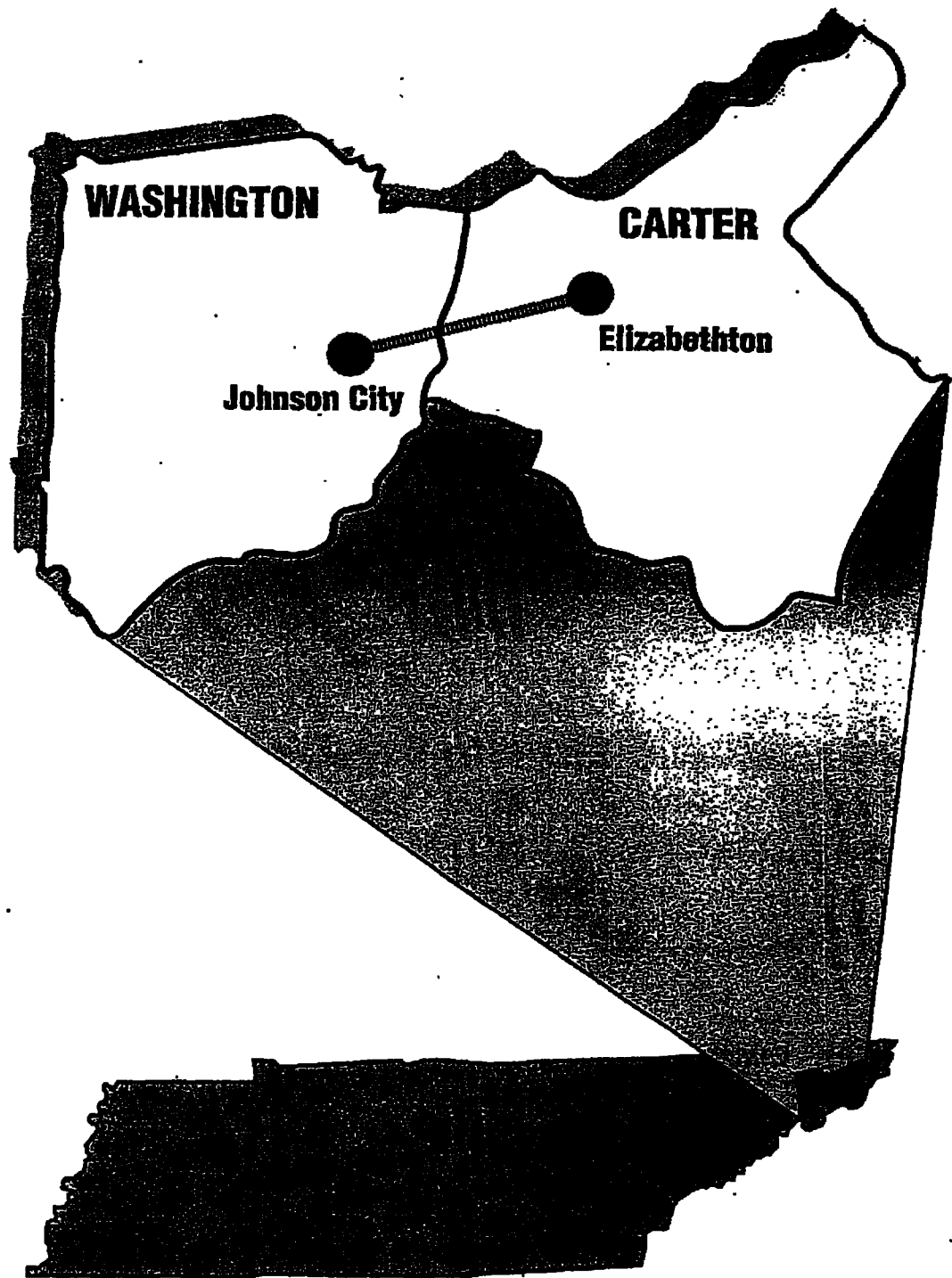
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Enclosure (Map)

CC: ETRY

Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Tennessee State Planning Office  
500 Charlotte Avenue  
309 John Sevier Building  
Nashville, TN 37219

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
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Tennessee State Planning Office  
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November 25, 2008

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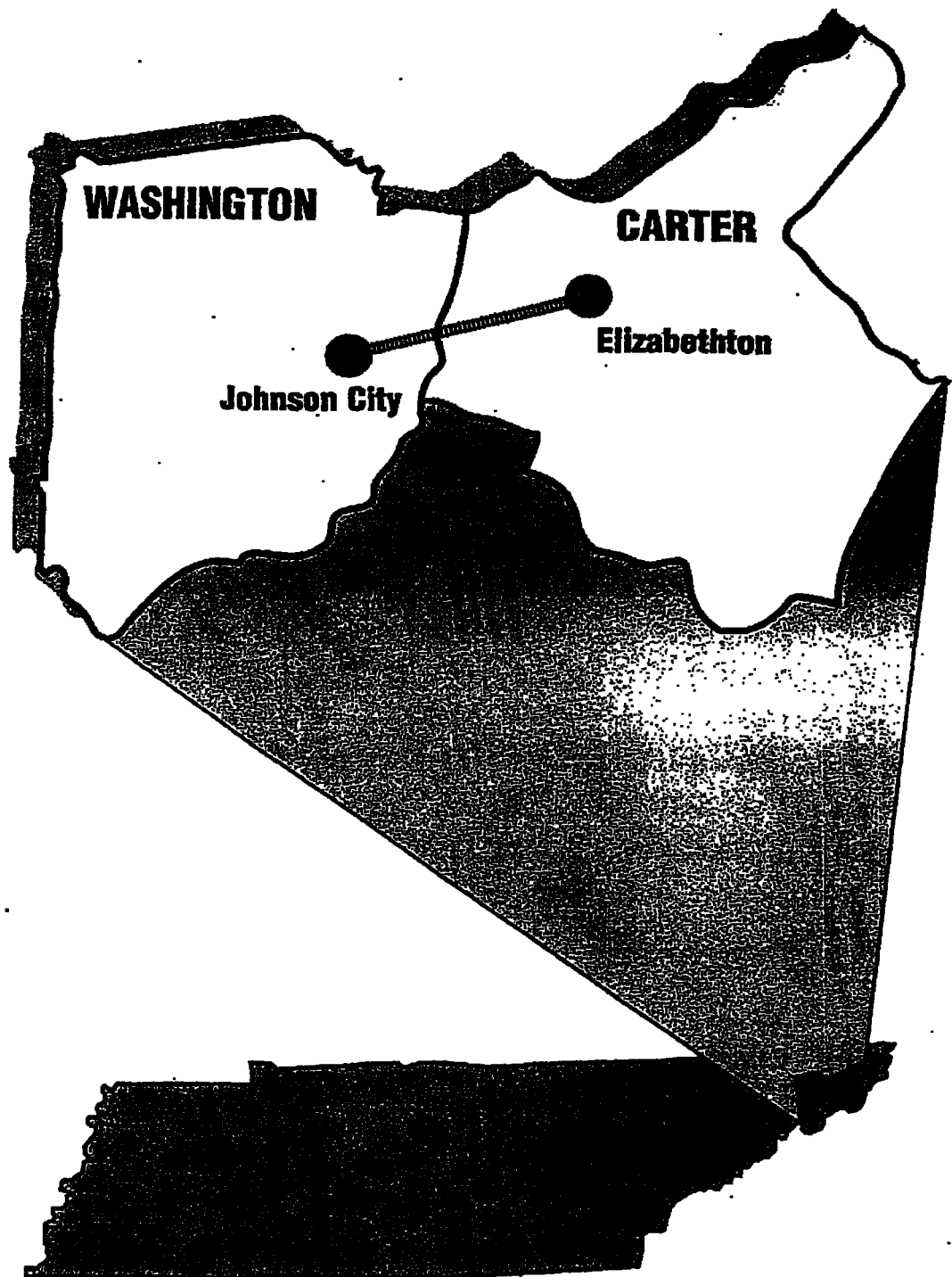
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Enclosure (Map)  
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Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Mr. Richard A. Snay  
Chief, Spatial Reference System Division  
United States Department of Commerce  
NOAA, N/NGS2  
SSMC3, Room 8828  
1315 East-West Highway  
Silver Spring, MD 20910

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

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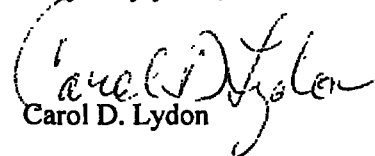
Mr. Richard A. Snay  
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November 25, 2008

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Thank you for your cooperation.

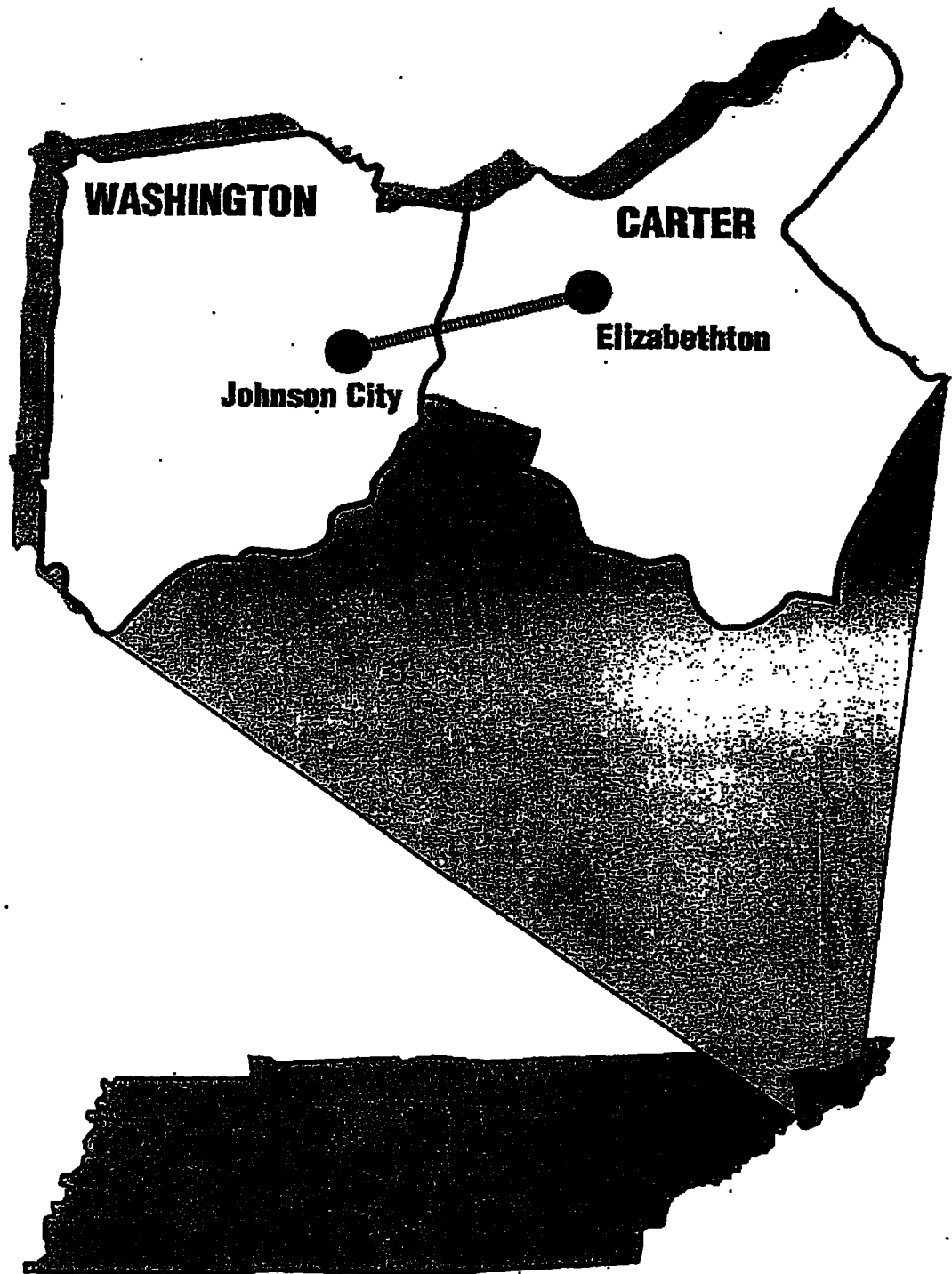
Very truly yours,

  
Carol D. Lydon

Enclosure (Map)  
CC: ETRY  
Eric M. Hocky, Esquire



# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Natural Resources Conservation Service  
Gary O villen, District Conservationist  
Jonesborough Service Center  
1105 E. Jackson Street  
Jonesborough, TN 37659-4775

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

Dear Sir/Madam:

This letter is to advise you that East Tennessee Railway, L.P. ("ETRY") proposes to abandon a segment of its line of railroad which runs in an easterly direction from Milepost 1.2 in the City of Johnson City in Washington County, Tennessee to Milepost 11.2 in the City of Elizabethton, Carter County, Tennessee. This line traverses through United States Postal Zip Codes 37605 and 37643. A map showing the location of the line is attached.

ETRY plans to seek Surface Transportation Board ("STB") authorization for its abandonment by filing a notice of exempt abandonment pursuant to the provisions of either 49 C.F.R. §1152.50 on or about January 20, 2008 in Docket No. AB-1031(X).

Based upon information in ETRY's possession, the line does not contain federally granted rights of way. ETRY believes that the right of way can be used for trail and other public purposes. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The last service provided on this line was more than two years ago. ETRY does not believe that there are any reasonable alternatives to the proposed action. At this time, ETRY plans to salvage the track and track materials and re-use them on its remaining lines or on the lines of its affiliates. ETRY believes that the abandonment will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns, which they may have as to environmental effects of the proposed abandonment.

We would appreciate an expression from you by December 23, 2008 with respect to this segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment. If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535  
215 829 9900  
215 829 9888 Fax

B0009184 DOC



Natural Resources Conservation Service  
Page 2

November 25, 2008

Thank you for your cooperation.

Very truly yours,

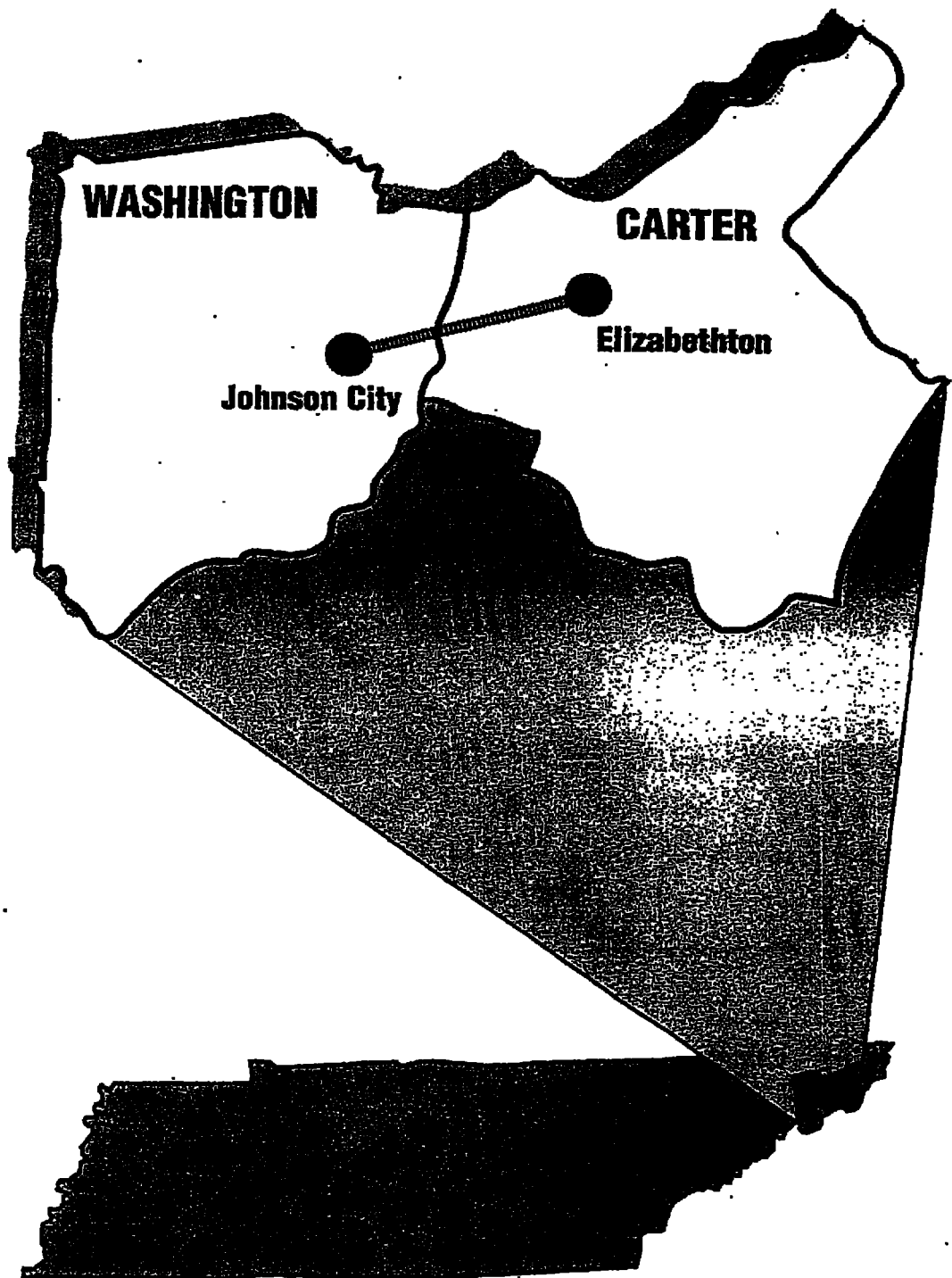
A handwritten signature in black ink, appearing to read "Carol D. Lydon".

Carol D. Lydon

Enclosure (Map)

CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

Tennessee Dept. of Environmental Conservation  
L & C Annex, 1<sup>st</sup> Floor  
401 Church Street  
Nashville, TN 37243

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

Dear Sir/Madam:

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*Pittsburgh*

*Philadelphia*

*Princeton*

*Wheeling*

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns, which they may have as to environmental effects of the proposed abandonment.

We would appreciate an expression from you by December 23, 2008 with respect to this segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment. If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900.

Thorpe Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535  
215 829 9900  
215 829 9888 Fax

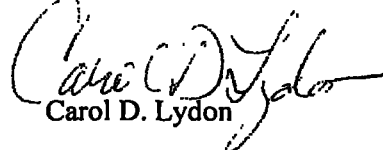


Tennessee Dept. of Environmental Conservation  
Page 2

November 25, 2008

Thank you for your cooperation.

Very truly yours,

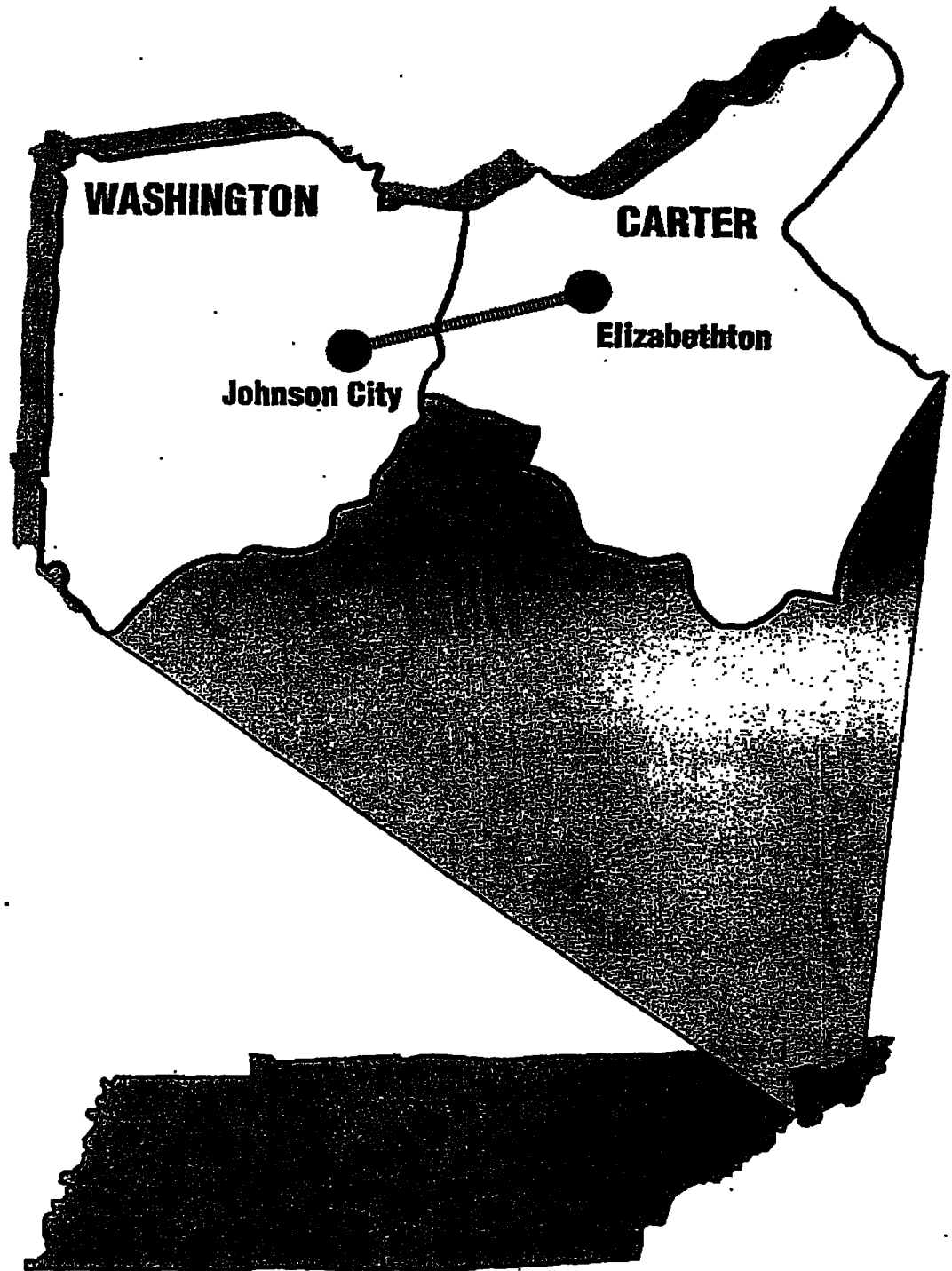


Carol D. Lydon

Enclosure (Map)

CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.





Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

E. Patrick McIntyre, Jr., Executive Director  
Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, TN 37243-0442

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

Dear Sir/Madam:

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*Pittsburgh*

*Philadelphia*

*Princeton*

*Wheeling*

Based upon a review of its records, ETRY believes that there are a number of structures related to the line, which are 50 years old or older, however it is in the final stages of inventorying the structures. Upon completion of this inventory, the information in this letter will be supplemented.

This consultation as to any concerns which you may have as to historic preservation effects of the proposed abandonment, is being taken in advance of preparing an historic report as required by applicable regulations.

We would appreciate an expression from you by December 23, 2008 with respect to each segment that, within the area of your authority, you do not perceive that the abandonment

Thorp Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535  
215 829 9900  
215 829 9888 Fax

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E. Patrick McIntyre, Jr., Executive Director  
Page 2

November 25, 2008

will have a significant effect upon historic preservation. If you have any questions about the railroad's proposal, or if you need further assistance, please call me at (215) 829-9900.

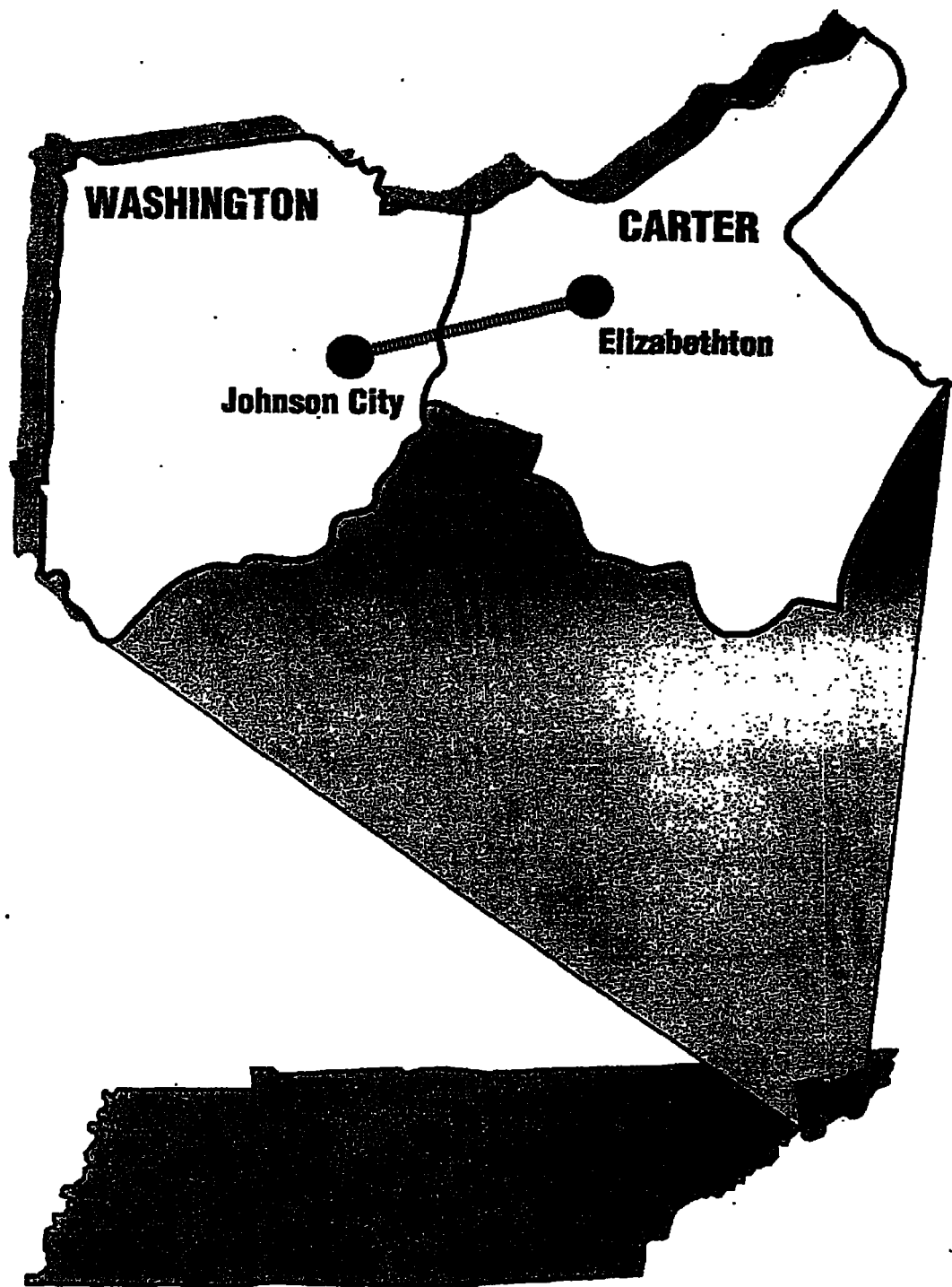
Thank you for your attention to this matter.

Very truly yours,

Carol D. Lydon

Enclosures (Map, Bridge List)  
CC: ETRY  
Eric M. Hocky, Esquire

# East Tennessee Railway, L.P.



# EXHIBIT B

# EXHIBIT B(1)



No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

Carol D. Lydon  
Paralegal  
Direct Dial 215 829 9900  
Email clydon@thorpreed.com

#0102

DEC 3 2008

*Mary Jennings* 12-19-08  
for Field Supervisor Date  
U. S. Fish and Wildlife Service  
Cookeville, TN 38501

ATTORNEYS AT LAW SINCE 1895

November 25, 2008

U.S. Fish & Wildlife Service  
Resident Agency in Charge Office  
222 Great Circle Road  
Suite 150  
Nashville, TN 37228-1738

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter  
Counties, TN  
STB Docket No. AB-1031(X)

Dear Sir/Madam:

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Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia PA 19106-2535  
215 829 9900  
215 829 9888 Fax



**TENNESSEE HISTORICAL COMMISSION**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

December 8, 2008

2941 LEBANON ROAD  
NASHVILLE, TN 37243-0442  
(615) 532-1550

Ms. Carol D. Lydon  
Thorp, Reed & Armstrong  
400 Market St./200  
Philadelphia, Pennsylvania, 19106-2535

RE: STB, DOCKET NO AB-103(X), CARTER, WASHINGTON COUNTY

Dear Ms. Lydon:

In response to your request, received on Tuesday, December 2, 2008, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. You have submitted documents that are insufficient for us to complete our review. To complete the Tennessee State Historic Preservation Office review of this undertaking, you will need to provide us with ALL of the following documents unless instructed otherwise by the Tennessee Historical Commission's Review and Compliance Coordinator:

1. A letter requesting Section 106 review of your undertaking that should include: (a) The name of the federal agency funding, licensing, or permitting your undertaking. (b) The name, address, and phone number of the applicant for federal funding, licensing, or permitting. (c) The street address, city, and county of the undertaking. (d) A list of Consulting Parties invited to participate in consultation relative to the undertaking. (e) A USGS 7 1/2 minute topographic map (be sure to include the name of the map) clearly indicating the boundary of the undertaking, the location of all undertaking elements, and the undertaking's Area of Potential Effects. You may obtain such a map by contacting the Department of Environment and Conservation, Division of Geology, Maps and Publications Sales Office at (615) 532-1516.
2. Other suitably scaled maps or site plans as necessary to depict the extent of the undertaking and its locational relationship to its surroundings and environment.
3. A narrative which describes the undertaking in sufficient detail to enable a reader unfamiliar with the undertaking or its location to gain a full understanding of the undertaking and all of its elements and their potential to affect directly and indirectly any historic properties within the Area of Potential Effects.
4. Original chemical or digital photographs of the undertaking Area of Potential Effects that are numbered and clearly keyed to one of the above maps or site plans.
5. Any available information including dates of construction of buildings either inside the undertaking footprint or within view or sound of the undertaking. Be sure to include photographs of buildings within the undertaking's Area of Potential Effects.

Upon receipt of this documentation, we will complete our review of this undertaking as quickly as possible. Please be advised that until this office has provided you a final written comment on this undertaking, you have not met your Section 106 obligation under federal law. Please direct questions and comments to Joe Garrison (615) 532-1550-103. We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.  
Executive Director and  
State Historic Preservation Officer

EPM/jyg



**STATE OF TENNESSEE**  
**Department of Environment and Conservation**  
**Ground Water Protection**  
**10<sup>th</sup> Floor, L & C Tower**  
**401 Church Street**  
**Nashville, Tennessee 37243**

December 9, 2008

Ms. Carol D. Lydon  
Thorpe, Reed and Armstrong, LLP  
400 Market Street  
Philadelphia, PA 19106-2535

Re: East Tennessee Railway, L.P. – Abandonment – Washington and Carter Counties,  
Tennessee

Dear Ms. Lydon:

The Division of Ground Water Protection (GWP) regulates all aspects of the subsurface sewage disposal (SSD) program in the State of Tennessee. In this regard, GWP staff works closely with municipalities and/or property owners on those construction projects where it is anticipated that the project will potentially impact existing SSD systems.

Regarding the above referenced project, the Division of GWP believes it is doubtful that it will impact existing SSD systems. However, if it becomes apparent that GWP staff assistance will be requested on this project, we ask that they be given adequate prior notice to allow for scheduling of the additional workload.

If you have any questions or think that assistance will be requested on this project, you should contact Mr. John Parks, GWP's Environmental Field Office Manager in Johnson City, at (423) 854-5419.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Schwendimann", is written over a horizontal line.

Alan Schwendimann  
Director  
Division of Ground Water Protection

CC: Mr. John Parks

VAS/deh

EAreponse94doc

**From:** Marian Debro (Marian.Debro@state.tn.us)  
**Sent:** Tue 12/16/2008 04:57 PM  
**Rcvd:** Tue 12/16/2008 04:56 PM  
**To:** Darrell Hale (Darrell.Hale@state.tn.us); Mary Parkman  
(Mary.Parkman@state.tn.us); Lydon, Carol (CLYDON)  
**CC:**  
**Subject:** East Tennessee Railway

=====

**Ms. Lydon:**

Your response is attached





STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
Division of Remediation  
401 Church Street  
4<sup>th</sup> Floor, L&C Annex  
Nashville, TN 37243

December 16, 2008

Ms. Carol D. Lydon  
Thorp Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535

[clydon@thorpreed.com](mailto:clydon@thorpreed.com)

RE: East Tennessee Railway, - Abandonment - Washington and Carter Counties, Tennessee  
STB Docket No. AB-1031 (X)

Dear Ms. Lydon:

The Division of Remediation (DoR) has received your environmental review request, dated November 25, 2008, regarding the East Tennessee Railway, - Abandonment - Washington and Carter Counties, Tennessee/STB Docket No. AB-1031 (X).

Darrell Hale, our field office manager in Johnson City has been familiar with this action for several weeks and has talked with both the City of Johnson City and an environmental consultant about any DOR sites that this railway goes through. They are Inland Container and the Bemberg Site, both in Carter County.

If you have any further questions, do not hesitate to call Darrell Hale, at (423) 854-5463.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Binford".

Andy Binford

RAB:DSH:mdd

cc: Johnson City Field Office Files  
Mary Parkman, Nashville Central Office [Mary.Parkman@state.tn.us](mailto:Mary.Parkman@state.tn.us)  
Central Office Files #10-000



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
Division of Remediation  
401 Church Street  
4<sup>th</sup> Floor, L&C Annex  
Nashville, TN 37243

December 16, 2008

Ms. Carol D. Lydon  
Thorp Reed & Armstrong, LLP  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535

[clydon@thorpreed.com](mailto:clydon@thorpreed.com)

RE: East Tennessee Railway, - Abandonment – Washington and Carter Counties, Tennessee  
STB Docket No. AB-1031 (X)

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If you have any further questions, do not hesitate to call Darrell Hale, at (423) 854-5463.

Sincerely,

A handwritten signature in black ink, reading "Andy Binford", is written over a horizontal line.

Andy Binford

RAB:DSH:mdd

cc: Johnson City Field Office Files  
Mary Parkman, Nashville Central Office [Mary.Parkman@state.tn.us](mailto:Mary.Parkman@state.tn.us)  
Central Office Files #10-000



**DEPARTMENT OF THE ARMY**  
**NASHVILLE DISTRICT, CORPS OF ENGINEERS**  
3701 Bell Road  
NASHVILLE, TENNESSEE 37214

REPLY TO  
ATTENTION OF:

January 23, 2009

Regulatory Branch

SUBJECT: File No. 200900125; Proposed Abandonment of a Segment of Railroad from the City of Johnson City, TN to Elizabethton, TN, Washington and Carter Counties, TN

Thorp Reed & Armstrong, LLP  
Attn: Ms. Carol D. Lydon  
400 Market Street, Suite 200  
Philadelphia, PA 19106-2535

Dear Ms. Lydon:

This is in response to the memorandum dated November 25, 2009, concerning the subject work.

Based upon the information provided in your letter, we have determined that the proposed work would not involve the discharge of fill material in waters of the US. In this regard, a Department of the Army permit is not required for this project.

Any activities involving the discharge of dredged and/or fill material into waters of the United States would require a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act. Temporary fills in streams or wetlands, bedding and backfill for utility lines constructed across wetlands or streams, etc., are examples of activities that would require approval.

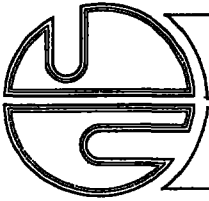
We appreciate your awareness of our regulatory program. If you have any questions, you can contact me at the above address or telephone (615) 369-7517.

Sincerely,

A handwritten signature in cursive script, reading "Maryellen J. Farmer", is positioned above the typed name.

Maryellen J. Farmer  
Regulatory Specialist  
Operations Division

# EXHIBIT B(2)



# City of Johnson City Tennessee

601 East Main Street • P.O. Box 2150 • Johnson City, TN 37605 • 423/434-6003

ASSISTANT CITY MANAGER

January 13, 2009

Section of Environmental Analysis  
Surface Transportation Board  
395 E St. SW  
Washington, D.C. 20423

Re: East Tennessee Railway, L.P. – Abandonment Exemption –  
Washington and Carter Counties, TN, AB 1031X

Sirs:

This letter is on behalf of the City of Johnson City, Tennessee ("Johnson City"). It is our understanding that East Tennessee Railway (ETR) intends to file a notice of exempt abandonment pursuant to 49 C.F.R. 1152.50 in the above proceeding on or about January 20, 2009. The proceeding will cover MP 1.2 in Johnson City to MP 11.2 in the City of Elizabethton, in Washington and Carter Counties, Tennessee.

A notice of exemption is a federal licensing action with respect to which the Surface Transportation Board (STB) must comply with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). It is our understanding that the agency relies on environmental reports (ER's) and historic reports (HR's) prepared by the railroad, and comments received upon these reports, to prepare an environmental assessment (EA), which the agency in turn uses as a basis for complying with NEPA and NHPA in connection with the issuance of the exempt abandonment license which ETR indicates it intends to solicit. See 49 CFR Part 1105.

Johnson City has not received a copy of any ETR ER or HR to date. Johnson City reserves the right to comment further on those documents if and when received. Johnson City also requests a copy of any EA issued by STB as soon as it is issued, and we reserve the right to comment further upon said EA. We understand that the EA will issue after the proposed notice of exemption is filed by ETR and published (granted) by the agency.

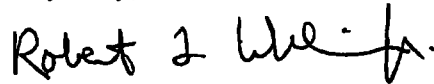
Because time for environmental comments in 49 C.F.R. 1152.50 proceedings is very limited, we are making these preliminary comments on only one environmental issue, which is suitability for alternative public use. In the event abandonment for current rail use is authorized, the entire property is suitable for alternative public use. To this end, Johnson City, as ETR is aware, has expressed interest in acquiring the corridor (including tracks) to preserve it for public use. In addition, the property would be an excellent trail facility. It is also suitable for possible future rail reactivation ("railbanking") and thus for the application of 16 U.S.C. 1247(d).

Furthermore, it is Johnson City's understanding that preservation is supported by the City of Elizabethton, and by Carter County. Johnson City anticipates that it will file pleadings seeking various forms of relief, including but not necessarily limited to public use conditions as appropriate under 49 U.S.C. 10905 and application of 16 U.S.C. 1247(d) should ETR pursue its plans for abandonment. At this time, we request that STB's Section of Environmental Analysis (SEA) recommend that the agency find that the property is suitable for continued public use, pursuant to 49 U.S.C.10905

By copy of this letter to Acting Secretary Anne K. Quinlan, we request that we be made parties to the proceeding once filed, and that we receive all notices therein.

We welcome all opportunities to work with the railroad and the agency to preserve this corridor intact for public use.

Very truly,

A handwritten signature in black ink, appearing to read "Robert L. Wilson, Jr.", with a stylized flourish at the end.

Robert L. Wilson, Jr.  
Assistant City Manager

cc: Hon. Anne K. Quinlan Acting Secretary  
Surface Transportation Board (11 copies)

Carol D. Lydon  
Thorp Reed & Armstrong

Gerry Gates, President Southern Region  
Genessee & Wyoming Company

# EXHIBIT C

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST  
FOR THE "ETRY" ABANDONMENT**

**East Tennessee Railway – Abandonment – Washington and Carter Counties, Tennessee  
STB Docket No.**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Tennessee State Planning Office 500 Charlotte Avenue 309 John Sevier Building Nashville, TN 37219		Consultation letter – 11/25/08	Rec'd t/c from Charles Nelson, TN State Library/Archives. He advised that the State Planning Office was abolished 12 years ago. His number is (615) 741-1549.
State of Tennessee Office of Freight & Rail Suite 1800 James K. Polk Bldg. Nashville, TN 37243		Consultation letter – 11/25/08	
Tennessee Dept. of Environmental Conservation L & C Annex, 1 <sup>st</sup> Floor 401 Church Street Nashville, TN 37243	Andy Binford, Dept. of Env. and Conservation  Darrell Hale, (423) 854-5463	Consultation letter – 11/25/08	Rec'd letter 12/16/08 advising that they have been in contact with Johnson City and a consultant regarding this matter. Two DoR sites are listed (Inland Container and the Bemberg site).  T/C with Darrell Hale. He advised that the abandonment will <i>not</i> affect the two DOR sites listed in the 12/16/08 letter, however, they were required to mention them in a response.
Tennessee Dept. of Environmental Conservation Johnson City Field Office 2305 Silverdale Road Johnson City, TN 37601-2162		Consultation letter – 11/25/08	



AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Tennessee Dept. of Environmental Conservation Ground Water Protection Alan Schwendimann, Director 10 <sup>th</sup> Floor, L & C Tower 401 Church Street Nashville, TN 37243		Consultation letter – 11/25/08	12/15/08 – Rec'd letter from Mr. Schendimann advising that the Division of GWP believes it is doubtful that abandonment will impact existing SSD systems. If it does become necessary, GWP staff will assist.
George Jaynes, County Mayor Washington County Courthouse in Jonesborough P.O. Box 219 Jonesborough, TN 37659		Consultation letter – 11/25/08	
Johnny Holder, County Mayor Carter County 801 East Elk Avenue, Suite 201 Elizabethton, TN 37643		Consultation letter – 11/25/08	
U.S. Environmental Protection Agency Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-8960		Consultation letter – 11/25/08	
U.S. Fish & Wildlife Service Resident Agency in Charge Office 222 Great Circle Road Suite 150 Nashville, TN 37228-1738	Mary Jennings	Consultation letter – 11/25/08	12/19/08 – Letter received – no significant impact to wetlands or federal listed endangered or threatened species are anticipated.

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
U.S. Army Corps of Engineers Civil Works Office U.S. Army Engineer District -- Nashville P.O. Box 1070 110 Ninth Ave. S Nashville, TN 37202-1070		Consultation letter -- 11/25/08	
National Park Service, Southeast Region David Vela, Regional Director National Park Service 100 Alabama Street, SW 1924 Building Atlanta, GA 30303		Consultation letter -- 11/25/08	
Tennessee Natural Resources Conservation Service Kevin Brown, State Conservationist 675 U.S. Courthouse 801 Broadway Nashville, TN 37203		Consultation letter -- 11/25/08	
Natural Resources Conservation Service Dave Merinar, District Conservationist Elizabethton Service Center 419 Elk Ave. Elizabethton, TN 37643-2596		Consultation letter -- 11/25/08	
Natural Resources Conservation Service Gary Ovillen, District Conservationist Jonesborough Service Center 1105 E. Jackson Street Jonesborough, TN 37659-4775		Consultation letter -- 11/25/08	

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Mr. Richard A. Snay Chief, Spatial Reference System Division United States Department of Commerce NOAA, N/NGS2 SSMC3, Room 8828 1315 East-West Highway Silver Spring, MD 20910		Consultation letter – 11/25/08	
*City of Johnson City, Tennessee 601 East Main Street P.O. Box 2150 Johnson City, TN 37605	Robert L. Wilson, Jr., Assistant City Manager		1/19/09 – Received a letter from Mr. Wilson requesting that Johnson City be made a party to the proceedings and receive copies of all mailings and submissions. Added to mailing list on same date.
E. Patrick McIntyre, Jr., Executive Director Tennessee Historical Commission 2941 Lebanon Road Nashville, TN 37243-0442		Consultation letter – 11/25/08	12/18/08 – Received letter from Commission outlining steps to be taken and documents which need to be submitted prior to obtaining approval of abandonment.
COASTAL CONSULT		NO AGENCY FOR TENNESSEE – NO CONSULT LETTER SENT	

\*\* Bob Richards, TN State Greenways and Trails, (615) 532-0753 to 12/15/08, left message. I called back same day and left message. The letter was originally sent to TN Dept. of Environmental and Conservation Ground Water and given to Mr. Richards. He wanted to know who owns the land where the track is laid down. He stated that he has been in talks with Johnson City concerning this matter. I explained that I had very few details on the abandonment and suggested that I talk to EH and the client, but he was not interested in getting more information.

# EXHIBIT C

# EXHIBIT D

## **NOTICE OF INTENT TO ABANDON RAIL SERVICE**

East Tennessee Railway, L.P. ("ETRY") gives notice that on or about November 12, 2009, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F under STB Docket No. AB-1031 (Sub-No. X) permitting the abandonment of a segment of its line of railroad, which runs in an easterly direction from Milepost 1.2 in the City of Johnson City in Washington County, Tennessee through Milepost 11.2 in the City of Elizabethton, Carter County, Tennessee ("Subject Line"). This Subject Line traverses through United States Postal Zip Codes 37605 and 37643.

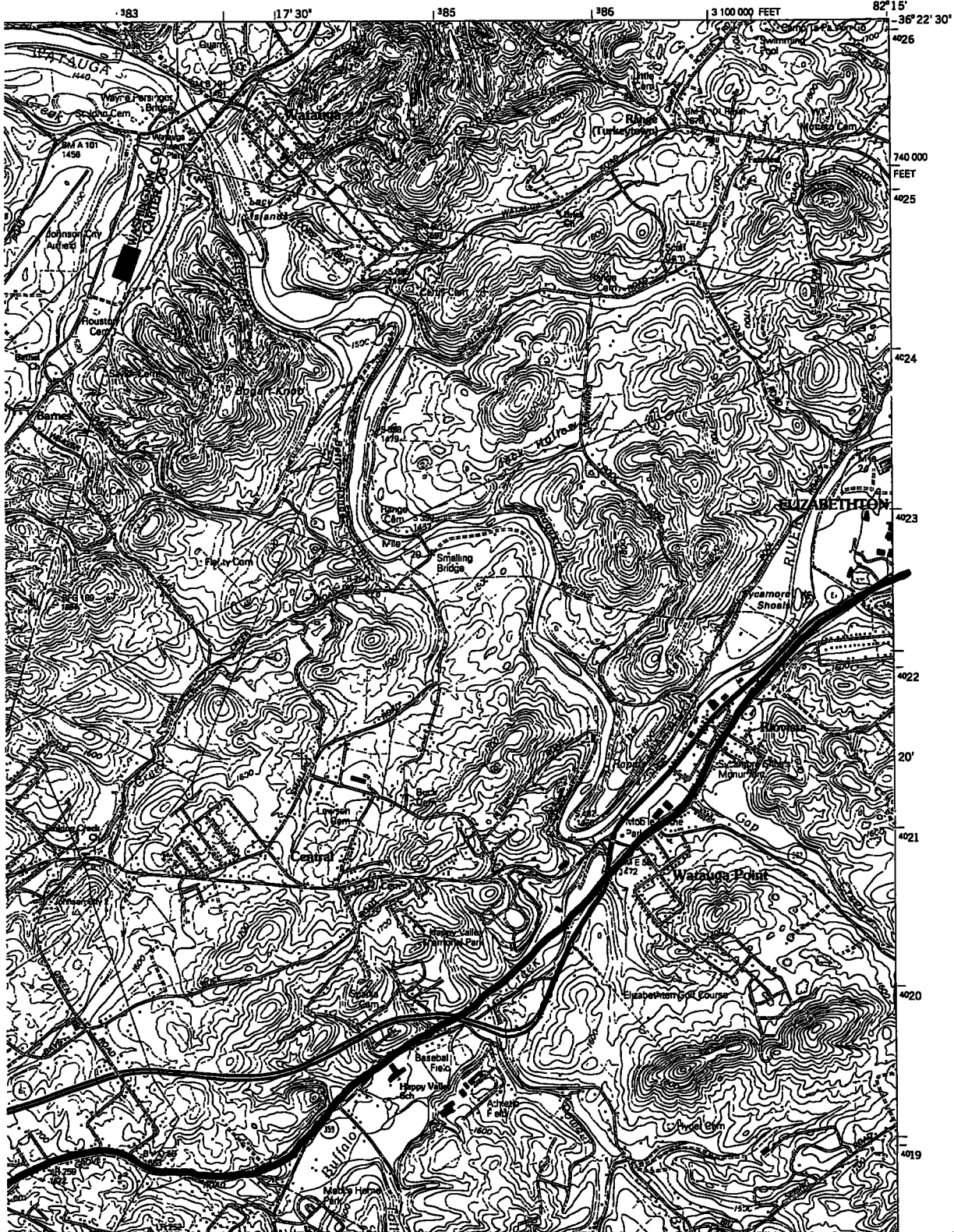
The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing if ETRY files a notice of exemption, or 60 days after the filing if ETRY files a petition for exemption. Comments on environmental and energy matters should be filed no later than 15 days (in the case of a notice), or 30 days (in the case of a petition), after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0295.

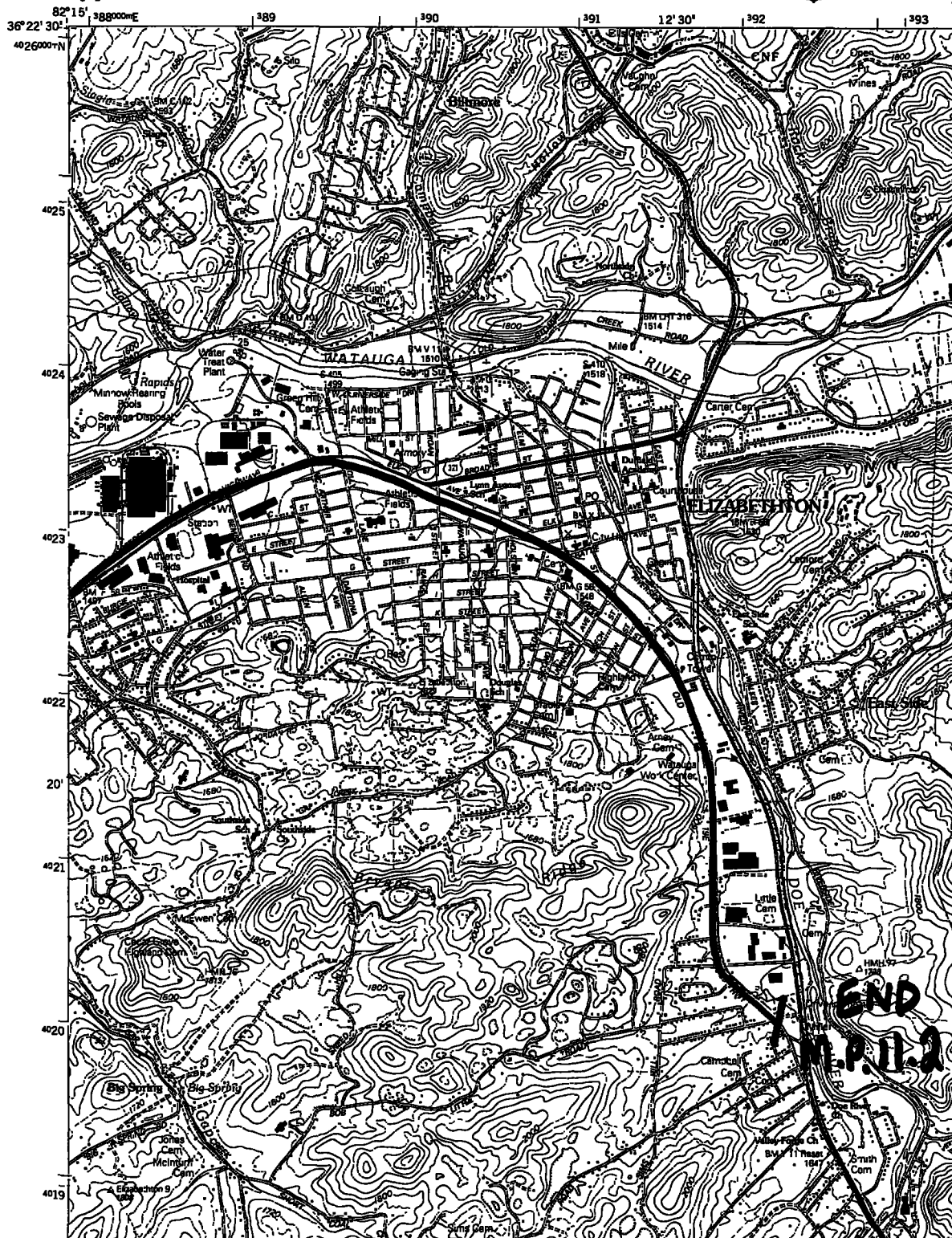
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esquire, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

# EXHIBIT E









# EXHIBIT F

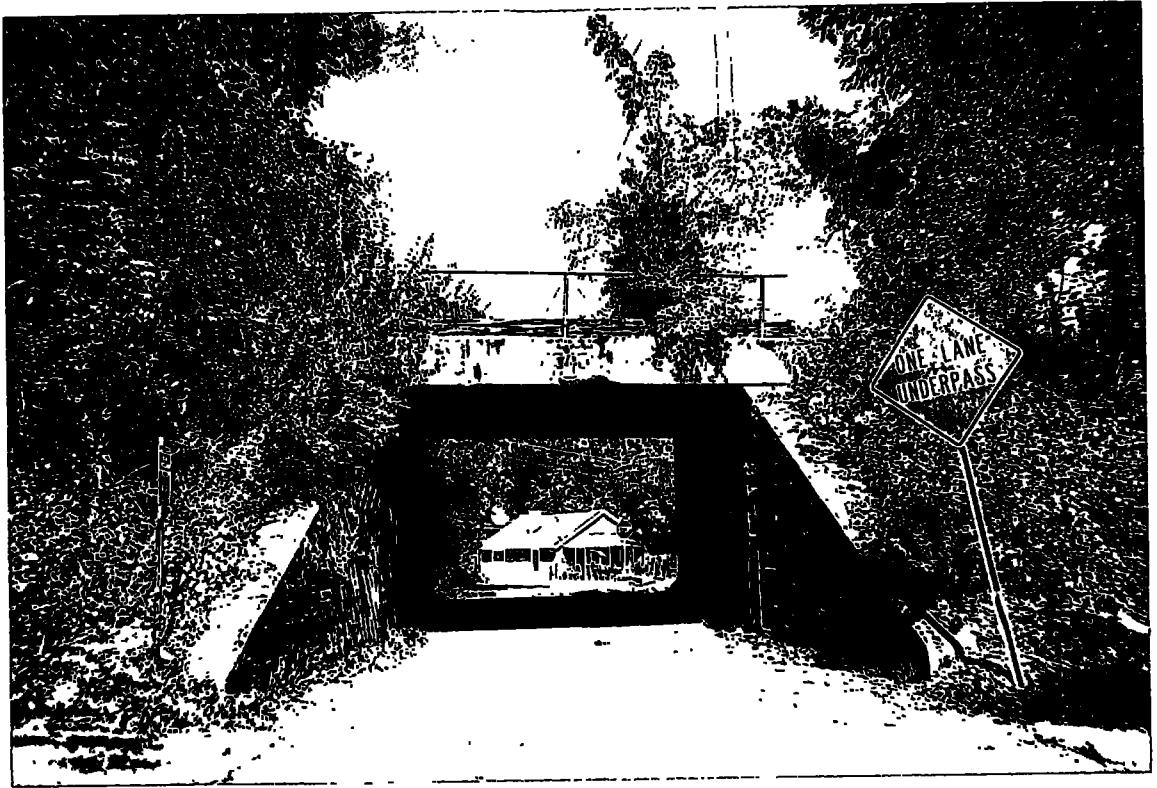
**East Tennessee Railway, L.P.  
- Exempt Abandonment -  
Washington and Carter Counties, Tennessee**

STB Docket No. AB-103 (Sub-No. X)

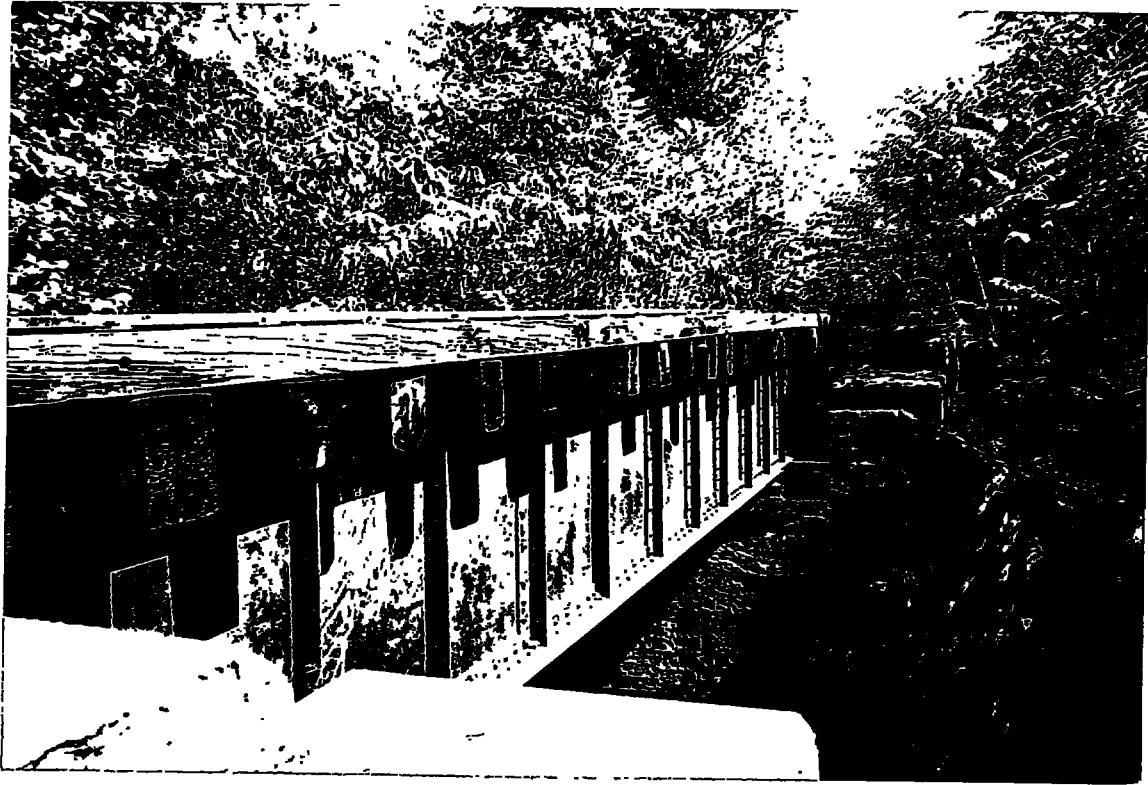
**LIST OF STRUCTURES OVER 50 YEARS OLD**

<b><u>Location</u></b>	<b><u>Milepost listing</u></b>
Rich Acres Rd	MP1.3
Sinking Creek	MP 1.4
Highway 321/67	MP 1.5
Buffalo Creek	MP 5.1
Gap Creek	MP 5.7

# EXHIBIT G



RICH ACRES ROAD  
MP 1.3

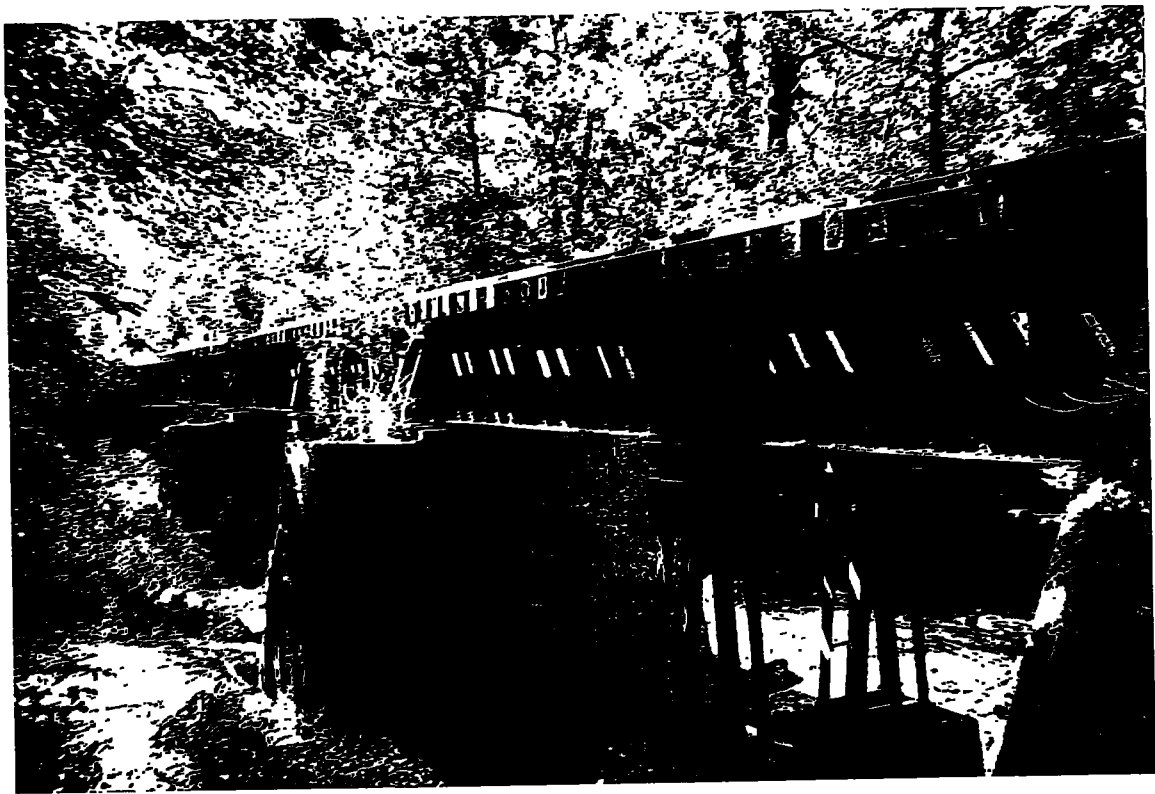


SINKING CREEK  
MP 1.4

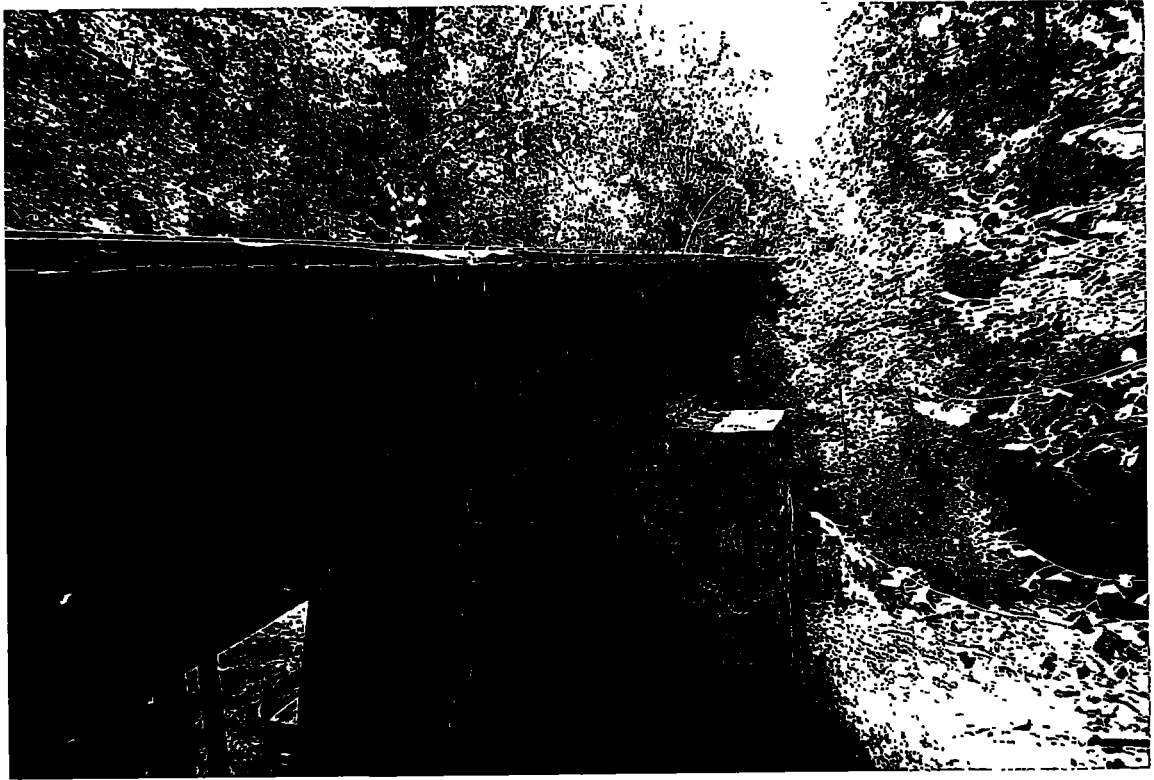


HIGHWAY 321/67  
MP 1.5





BUFFALO CREEK  
MP 5.1



BUFFALO CREEK  
MP 5.1



GAP CREEK  
MP 5.7